EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2007-1957-AIR-E **TCEQ ID:** RN102048592, RN100824010, RN102396702, RN102390028, RN102395274, RN102394756, RN102398112, RN102399094, RN102393980, RN102391331, RN102204195,

RN102383965, and RN105204283 **CASE NO.:** 35055

RESPONDENT NAME: Southwest Convenience Stores, LLC

ORDER TYPE:						
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
AMENDED ORDER	EMERGENCY ORDER					
CASE TYPE:						
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
SITE WHERE VIOLATION(S) OCCURRED: 7-Eleven Station 53346, 10900 McCombs Street, 7-Eleven Station 57602, 4858 North Mesa Street, 7-Eleven Station 57604, 10418 Rushing Road, 7-Eleven Station 57616, 3101 North Yarbrough Drive, 7-Eleven Station 57618, 10300 McCombs Street, 7-Eleven Station 57620, 9635 McCombs Street, 7-Eleven Station 57621, 5401 South Gateway Boulevard, 7-Eleven Station 57625, 8701 Alameda Avenue, 7-Eleven Station 57631, 9061 Dyer Street, 7-Eleven Station 57637, 3601 Montana Avenue, 7-Eleven Station 57646, 8160 Gateway Boulevard East, 7-Eleven Station 57649, 850 North Zaragoza Road, and 7-Eleven Station 57652, 5020 Sean Haggerty Drive, El Paso, El Paso County TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS: X Yes No OTHER SIGNIFICANT MATTERS: There are no complaints. There is one pending enforcement actions, Docket Number 2008-0730-PST-E, regarding these facility locations. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on June 9, 2008. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ted Moon, District Manager, Southwest Convenience Stores, LLC, 2002 N Piedras Road, El Paso, Texas 79930						

VIOLATION SUMMARY CHART:

VIOLATION SCHWART CHAR	A •	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$20,230	Corrective Actions Taken:
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$4,046 X Expedited Settlement	1) The Executive Director recognizes that by October 12, 2007, the Respondent has come into compliance at Station numbers
Date(s) of Complaints Relating to this Case: None	Financial Inability to Pay SEP Conditional Offset: \$0	57602, 57604, 57616, 57618, 54625, 57631, 57646, and 57652.
Date of Investigations Relating to this Case: October 1, 2007, October 2, 2007, October 4, 2007, October 7, 2007, October 8, 2007, and October 11, 2007 Date of NOEs Relating to this Case: November 9, 2007, November 13, 2007, November 16, 2007, and November 19, 2007 (NOEs) Background Facts: These were routine investigations. AIR	Total Paid to General Revenue: \$16,184 7-Eleven 53346 Site Compliance History Classification X HighAveragePoor Person Compliance History Classification High X AveragePoor 7-Eleven 57602 Site Compliance History Classification High X AveragePoor Person Compliance History Classification High X AveragePoor 7-Eleven 57604	2) The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1 and March 31 of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53346, 57620, 57621, 57637, and 57649; and
1) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular and midgrade unleaded gasoline at pump number one of 7-Eleven 53346 was found to be 2.1% and 1.9% oxygen content by weight, respectively. A sample taken of premium grade gasoline from pump number two of 7-Eleven 53346 was found to be 1.5%	Site Compliance History Classification High X Average Poor Person Compliance History Classification High X Average Poor 7-Eleven 57616 Site Compliance History Classification X High Average Poor Person Compliance History Classification High X Average Poor	b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to comply with the minimum oxygen content of 2.7% by weight of	7-Eleven 57618 Site Compliance History Classification High X Average Poor Person Compliance History Classification High X Average Poor	n de la companya de La companya de la companya de l
gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57602 was found to be 2.1% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b)].	7-Eleven 57620 Site Compliance History ClassificationHigh X_AveragePoor Person Compliance History ClassificationHigh X_AveragePoor 7-Eleven 57621 Site Compliance History Classification	
3) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically,	X HighAverage Poor Person Compliance History Classification High X Average Poor	

RESPONDENT NAME: Southwest Convenience Stores, LLC

DOCKET NO.: 2007-1957-AIR-E

samples taken from the mid-grade and premium gasoline at pump number three of 7-Eleven 57604 were found to be 2.2% and 1.4% oxygen content by weight, respectively [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].

- 4) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number four of 7-Eleven 57616 were found to be 1.7%, 1.7%, and 1.5% oxygen content by weight, respectively [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 5) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number two of 7-Eleven 57618 were found to be 2.2%, 2.1%, and 2.2% oxygen content by weight, respectively [30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b)].
- 6) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number two of 7-Eleven 57620 were found to be 2.0% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 7) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57621 was found to be 2.2% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b)].
- 8) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57625 was found to be 2.1% oxygen content by weight [30 Tex. ADMIN. CODE

7-Eleven 57625 Site Compliance History Classification _ High X Average _ Poor Person Compliance History Classification _ High X Average _ Poor
7-Eleven 57631
Site Compliance History Classification
X High Average Poor
Person Compliance History Classification
High X Average Poor
7-Eleven 57637
Site Compliance History Classification
High X Average Poor
Person Compliance History Classification
High X Average Poor
7-Eleven 57646
Site Compliance History Classification
X High Average Poor
Person Compliance History Classification
High X Average Poor
7-Eleven 57649
Site Compliance History Classification
X High _ Average _ Poor
Person Compliance History Classification
High X Average Poor
7-Eleven 57652
Site Compliance History Classification
X High Average Poor Person Compliance History Classification
Person Compliance History Classification
High X Average Poor
ATT 77 1977
All Facilities: Major Source: Yes X No
Major Source: res A_ No
Applicable Penalty Policy: September 2002

- § 114.100(a) and Tex. Health & Safety Code § 382.085(b)].
- 9) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, s sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57631 was found to be 2.2% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 10) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57637 was found to be 2.2% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 11) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number seven of 7-Eleven 57646 was found to be 1.2% oxygen content of weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 12) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, a sample taken from the premium unleaded gasoline at pump number nine of 7-Eleven 57649 was found to be 2.1% oxygen content by weight [30 Tex. ADMIN. CODE § 114.100(a) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 13) Failure to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Specifically, s sample taken from the premium unleaded gasoline at pump number three of 7-Eleven 57652 was found to be 1.8% oxygen content by weight [30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b)].

Additional ID No(s).: EE1142P, EE1156E, EE1157C, EE1167W, EE1169S, EE1171I, EE1172G, EE1174C, EE1178R, EE1182D, and EE1743G

Policy Revision 2 (Septem	•	lculation W	orksheet (P	•	lovember 6, 2007
	9-Nov-2007 9-Dec-2007 Screening	4-Dec-2007 EP.	A Due		
RESPONDENT/FACILITY IN Respondent Sc Reg. Ent. Ref. No. Rt Facility/Site Region 6-	outhwest Convenience Store: N102048592		7 Eleven S Major/Minor Source	Station 53346 Minor	
CASE INFORMATION Enf./Case ID No. 35 Docket No. 20 Media Program(s) Ai Multi-Media Admin. Penalty \$ Lin	007-1957-AIR-E r	aximum \$10	No. of Violations Order Type Enf. Coordinator EC's Team	1660	
TOTAL BASE PENALT		Calculation se penalties)	Section	Subtotal 1	\$3,000
ADJUSTMENTS (+/-) TO Subtotals 2-7 are obtained Compliance History Notes	by multiplying the Total Base Penal	0% Enhan	cement Subto	otals 2, 3, & 7	\$0
Culpability Notes	No No The Respondent does	0% Enhans		Subtotal 4	\$0
Good Faith Effort to Extraordinary Ordinary N/A Notes	D Comply Before NOV NOV to EDPRP/S X (mark with x) The Respondent does	Settlement Offer	faith criteria.	Subtotal 5	\$0
	otal EB Amounts \$14 st of Compliance \$600	0% Enhanc *Capped at the T	ement* otal EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	1-7		F	inal Subtotal	\$3,000
OTHER FACTORS AS . Reduces or enhances the Final Subt		(Edministration	0%	Adjustment	\$0
			Final Per	alty Amount	\$3,000
STATUTORY LIMIT AD	JUSTMENT		Final Asse	ssed Penalty	\$3,000
DEFERRAL Reduces the Final Assessed Penalty	y by the indicted percentage. (Enter	number only; e.g. 20 for	20% Reduction 20% reduction.)	Adjustment	-\$600
Notes	Deferral offered	d for expedited settle	ement.		60.400
PAYABLE PENALTY					\$2,400

Screening Date 4-Dec-2007 Docket No. 2007-1957-AIR-E PCW Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) Case ID No. 35055 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102048592 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 0 0% NOVs (number of NOVs meeting criteria) Other written NOVs 0% 0 Any agreed final enforcement orders containing a denial of liability (number of orders San P Ó 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 0% aovernment Any criminal convictions of this state or the federal government (number of counts) 0% Convictions 0 Chronic excessive emissions events (number of events) 0% Emissions Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege n 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% No Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program 0% No Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) 0% No >> Compliance History Person Classification (Subtotal 7) 0% Average Performer Adjustment Percentage (Subtotal 7 >> Compliance History Summary Compliance No adjustment due to average performer classification. History Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	4-Dec-2007	Do	cket No. 2007-1957-AIR-E	PCW
Respondent	Southwest Convenie	ence Stores, LLC	7 E	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin.	Code § 114.100(a) and	Tex. Health & Safety Code §	§ 382.085(b)
Violation Description	the control period of conducted on Octob grade unleaded gas content by weight, r	of October 1 through Ma oer 7, 2007. Specificall oline at pump number espectively. A sample t	content of 2.7% by weight of arch 31, as documented by a y, a sample taken from the r one was found to be 2.1% an aken of premium grade gaso .5% oxygen content by weig	in investigation egular and mid- nd 1.9% oxygen bline from pump
				Base Penalty \$10,000
>> Environmental, Property a	nd Human Healt	h Matrix		
		rm		
Release	Major Mod			
OR Actual		<u> </u>	Percent	10%
Potential			reicent	1076
>>Programmatic Matrix				
Falsification	Major Mod	erate Minor		
			Percent	0%
			nificant amounts of pollutants environmental receptors as a	
			Adjustment	\$9,000
			Aujustment	
				\$1,000
Violation Events	ries.			
Number of Vi	olation Events	3	59 Number of violati	on days
	daily	***************************************		
	monthly			
mark only one	quarterly		Violatio	n Base Penalty \$3,000
with an x	semiannual			
	annual			
	single event	<u>x</u>]		
	Thi	ree single events are re	commended.	
Economic Benefit (EB) for th	is violation		Statutory Lim	iit Test
Eatimata	d EB Amount	\$14	Violation Fin	al Penalty Total \$3,000
Esumate	a LD Allivalit	ΨIT	Violation I III	-
		This violation Fi	nal Assessed Penalty (adju	usted for limits) \$3,000

		69000400000000000000000000		orks			
		venience Stores, L	r C		7 Eleven Station		
Case ID No.	36				7, 4		
Reg. Ent. Reference No.							Years of
Media Violation No.						Percent Interest	Depreciation
Violation No.	į. I					اء	CONTRACTOR PROGRAMMENT
				.,		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				ervelitatei staa			
Delayed Costs		1				#0	80
Equipment	J. Draw V. V.			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Bulldings Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction	2.33			0.0	\$0	\$0	\$0 \$0
Land			800.000	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0,0	\$0	n/a	\$0
Notes for DELAYED costs			ate and the final da		e last day of the c	ed fuel content is ma ontrol period of oxyg	
Avoided Costs	ANN	UALIZE [1] avoide	d costs before en	ntering	item (except for	one-time avoided o	
Disposal	; ANN	UALIZE [1] avoid	ed costs before en	itering 0,0	item (except for	\$0	\$0
Disposal Personnel	; ANN	UALIZE [1] avoid	ed costs before en	0.0 0.0	item (except for	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	; ANN	UALIZE [1] avoide	ed costs before en	0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	S ANN	UALIZE [1] avoide	ed costs before en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2]		UALIZE [1] avoide	ed costs before en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoid	ed costs before en	0.0 0.0 0.0 0.0 0.0 0.0	item (except for 4 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2]		UALIZE [1] avoid	ed costs before er	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		UALIZE [1] avoid	ed costs before er	0.0 0.0 0.0 0.0 0.0 0.0	item (except for 4 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		UALIZE [1] avoidi	ed costs before er	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		UALIZE [1] avoidi	ed costs before er	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	SO	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		UALIZE [1] avoidi	ed costs before er	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	SO	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		UALIZE [1] avoide	ed costs before er	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	SO	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Compliance History CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Customer/Respondent/Owner-Operator: .Classification: HIGH RN102048592 7 ELEVEN 53346 Regulated Entity: ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER 10900 MCCOMBS ST, EL PASO, TX, 79934 Rating Date: September 01, 07 **REGION 06 - EL PASO** TCEQ Region: Repeat Violator: No December 11, 2007 Date Compliance History Prepared: Enforcement Agency Decision Requiring Compliance History: December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 James Nolan Phone: Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? Southwest Convenience Stores, LLC 3. If Yes, who is the current owner? Good Time Stores, Inc. 4. if Yes, who was/were the prior owner(s)? 5. When did the change(s) in ownership occur? 01/12/2006 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. B. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 12/12/2002 (17935)2 03/15/2003 (26709)3 03/28/2003 (28810)4 04/05/2004 (264859)5 07/02/2004 (271037)6 07/15/2004 (281603) 7 08/17/2005 (401010) 8 11/15/2005 (436977)9 08/28/2007 (572035)10 11/12/2007 (600629)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. N/A

Rating: 3.43

45689

EE1142P

Site Rating: 0.00

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

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Policy Revision 2 (Sept	Penalty Ca	alculatio	n Works	sheet (P		n November 6, 2007
TCEQ DATES Assigned PCW	19-Nov-2007 20-Dec-2007 Screening	4-Dec-2007	EPA Due			
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Southwest Convenience Stor RN100824010	es, LLC	Major/	7 Eleve	en Station 57602	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	2007-1957-AIR-E Air	Maximum				
		y Calcula	annonna itali anciara propinsi kultura da la	tion		* 4.000
ADJUSTMENTS (+/-)	ed by multiplying the Total Base Pen	alty (Subtotal 1) by 2%	the indicated per Enhancement	Subt	Subtotal 1	\$1,000 \$20
Culpability Notes	No The Respondent do		Enhancement		Subtotal 4	\$0
Good Faith Effort Extraordinary Ordinary N/A Notes	to Comply	25% /Settlement Offer	Reduction		Subtotal 5	\$250
Approx. (Total EB Amounts \$0 Cost of Compliance \$600		Enhancement* I at the Total EB	\$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	5 1-7			1	Final Subtotal	\$770
	S JUSTICE MAY REQUI	RE	0%		Adjustment	\$0
University of the Control of the Con				Final Pe	nalty Amount	\$770
STATUTORY LIMIT A	DJUSTMENT			Final Asse	essed Penalty	\$770
DEFERRAL Reduces the Final Assessed Pen Notes	alty by the indicted percentage. <i>(Ent</i> e	er number only; e.s		Reduction uction.)	Adjustment	-\$154
PAYARI F PENALTY						\$616

PAYABLE PENALTY

	[Statute] Air ordinator James Nolan		
re se en communicación	Compliance History Worksheet	1.49 · V	
	Site Enhancement (Subtotal 2) Number of E	nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	01	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events)	0	0% 0%
Emissions Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Pleas	e Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
y	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pe	ercentage (Su	btotal 2)
t Violator (Su	btotal 3)		
No	Adjustment Pe	ercentage (Su	btotal 3)
liance History	Person Classification (Subtotal 7)		
Average P	erformer Adjustment Pe	ercentage (Su	btotal 7)
iance History		, ,	71

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	4-Dec-2007		Docket	No. 2007-1957-AIR-E	PCV	N
	Southwest Conver	ience Stores, LL	-C		Policy Revision 2 (September 20	1
Case ID No.					PCW Revision November 6, 2	2007
Reg. Ent. Reference No. Media [Statute]						
Enf. Coordinator						
Violation Number						
Rule Cite(s)	30 Tex. Admin	. Code § 114.10	0(a) and Tex.	Health & Safety Code § 382.	085(b)	***************************************
Violation Description	the control period	of October 1 the ober 8, 2007. Sp	rough March 3 pecifically, a s	ent of 2.7% by weight of gaso 31, as documented by an inve ample taken from the regular be 2.1% oxygen content by	estigation unleaded	
				Bas	se Penalty \$10,	,000
>> Environmental, Property a	nd Human Hea	Ith Matrix				
Release		larm derate Mir	nor			
OR Actual		x x				
Potential				Percent 10%		
>>Programmatic Matrix						
Falsification	Major Mo	derate Mir	nor	<u>,</u>		
				Percent 0%		
Matrix Notes Human heal exceed lev	Ith or the environmovels that are protec	tive of human he	to insignificar ealth or enviro blation.	nt amounts of pollutants whic nmental receptors as a resul	th did not t of the	AND COMPANDATION OF THE PROPERTY OF THE PROPER
				Adjustment	\$9,000	
					<u>\$1</u>	,000
					Ψ1,	,000
Violation Events						
Number of Vic	olation Events	1	2	Number of violation da	ys	
	daily					-
	monthly			Violation Bas	se Penalty \$1.	,000,
mark only one with an x	quarterly semiannual			Violation Dat	To remainly	-
,	annual					
	single event	X				
		One single eve	nt is recomme	ended.		
Economic Benefit (EB) for th	is violation			Statutory Limit Te	est	
Estimated	d EB Amount		\$0	Violation Final Per	nalty Total \$	5770
		Th:!-	······································	ssessed Penalty (adjusted	for limits) \$	\$770
		inis VIO	iauon rinai A	issesseu Felially (aujusteu	ioi iiiiiia)[-110

Case ID No. Reg. Ent. Reference No. Media Violation No. Item Description Delayed Costs.	35055 RN100824010 Air 1	venience Stores, i	.LC Final Date	Yrs	7 Eleven Star	Percent Interest 5.0 Onetime Costs	Years of Depreciation 15 EB Amount
Reg. Ent. Reference No. Media Violation No. Item Description Delayed Costs. Equipment	RN100824010 Air 1 Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0	Depreciation 15
Violation No. Item Description Delayed Costs Equipment	1 Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0	Depreciation 15
Delayed Costs Equipment		Date Required	Final Date	Yrs	Interest Saved		
Delayed Costs Equipment		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs Equipment	No commas or \$		1131 A CHEET 1134				
Equipment							
		382,950,000,000,000,000					
		2002		0,0	\$0	\$0	\$0
Buildings	[128 C. C. Landerina Sylvenia		0,0	\$0	\$0	\$0
Other (as needed)	1.00.0000000000000000000000000000000000			0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	\$600	8-Oct-2007	10-Oct-2007	0.0	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal	\$600	8-Oct-2007	10-00(-2007	0.0	\$0 \$0	n/a	\$0 \$0
Remediation/bisposal Permit Costs				0,0	\$0 \$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs	Estimated cos		procedures to ens investigation date			ed fuel content is ma te of compliance.	intained. Date
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	ntering		one-time avoided c	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0 \$0	\$0 #0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>	II.	<u> U.U </u>	φ∪	I. ⊅U I	ΦU
Notes for AVOIDED costs							
Motor for My Signal World							
Approx. Cost of Compliance		\$600	1		TOTAL		\$0

Compliance History

CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43 Customer/Respondent/Owner-Operator: Site Rating: 0.27 Regulated Entity: RN100824010 7 ELEVEN 57602 Classification: AVERAGE ID Number(s): ACCOUNT NUMBER EE1156E AIR NEW SOURCE PERMITS REGISTRATION 7271 PETROLEUM STORAGE TANK REGISTRATION Rating Date: September 01 07 Repeat Violator: NO 4858 N MESA ST, EL PASO, TX, 79912 Location: **REGION 06 - EL PASO** TCEQ Region: December 04, 2007 Date Compliance History Prepared: Enforcement Agency Decision Requiring Compliance History: Compliance Period: December 04, 2002 to December 04, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 Name: James Nolan Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Νo N/A 3. If Yes, who is the current owner? 4, if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. C Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 03/17/2003 (27822)2 04/24/2003 (34401)3 07/14/2003 (140951)4 05/03/2004 (267677)5 08/05/2004 (288027)6 10/21/2004 (338158)7 07/21/2005 (399748)8 03/30/2006 (455300)9 02/28/2007 (541313)10 11/16/2007 (600549)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 03/17/2003 Self Report? Classification: Moderate 30 TAC Chapter 115, SubChapter C 115.242(3) Citation: Failure to maintain the Stage II Vapor Recovery System in proper operating condition. Description:

Environmental audits. F.

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. Η.

N/A

Participation in a voluntary pollution reduction program. 1.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

Policy Revision 2 (Septe		n Worksheet (PCW)	CW Revision November 6, 2007
	19-Nov-2007 20-Dec-2007 Screening 4-Dec-2007	EPA Due	
RESPONDENT/FACILITY Respondent S Reg. Ent. Ref. No. F Facility/Site Region (Southwest Convenience Stores, LLC RN102396702	7 Eleven Station 5 Major/Minor Source Minor	7604
CASE INFORMATION Enf./Case ID No. 2 Docket No. 2 Media Program(s) / Multi-Media Admin. Penalty \$ L	2007-1957-AIR-E Air	No. of Violations Order Type Enf. Coordinator EC's Team Enforceme	
TOTAL BASE PENAL	Penalty Calcula		11 \$2,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ed by multiplying the Total Base Penalty (Subtotal 1) by		
Notes	Penalty enhancement due to three p	orevious 1660 orders.	
Culpability Notes	No 0% The Respondent does not meet the	Enhancement Subtota e culpability criteria.	14 \$0
Good Faith Effort Extraordinary Ordinary N/A Notes	to Comply Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance		15 \$500
		Enhancement* Subtota d at the Total EB \$ Amount	16 \$0
SUM OF SUBTOTALS	1.7	Final Subto	tal \$2,700
OTHER FACTORS AS Reduces or enhances the Final Su Notes	JUSTICE MAY REQUIRE btotal by the indicated percentage.	0% Adjustme	ent \$0
		Final Penalty Amou	unt \$2,700
STATUTORY LIMIT A	DJUSTMENT	Final Assessed Pena	lty \$2,700
,	lty by the indicted percentage. (Enter number only; e.		ent -\$540
Notes PAYABLE PENALTY	Deferral offered for expedite	g settement.	\$2,160

Screenii	ng Date 4-Dec-2007 Docket No. 2007-1957-AIR-E	•		PCW
Case	e ID No. 35055		evision 2 (Sept Revision Nover	
Media [S	nce No. RN102396702 Statute] Air rdinator James Nolan			
Compliance History 5	Compliance History Worksheet Site Enhancement (Subtotal 2)	* /		
Component N	Number of	Enter Number Here	Adjust.	enen un un un aben de n beneg
NOVs (Nritten NOVs with same or similar violations as those in the current enforcement action number of NOVs meeting criteria)	0	0%	
	Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders	0	0%	
	meeting criteria)	3	60%	
Orders A	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%	
Judgments c	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
Decirees ju	Any adjudicated final court judgments and default judgments, or non-adjudicated final court udgments or consent decrees without a denial of liability, of this state or the federal government		0%	
	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
. C M C. M. Ph. 700 (D. 1) C. T. C	Chronic excessive emissions events (number of events)	0	0%	
E	Letters notifying the executive director of an intended audit conducted under the Texas. Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
Paragraph Market Market and Aller	Plea	se Enter Yes or No		
E	Environmental management systems in place for one year or more	No	0%	
Other s	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
<u> </u>	Participation in a voluntary pollution reduction program	No No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Su	ıbtotal 2) [60%
peat Violator (Sub	itotal 3). Singa Singa Pasa Bara Bara Bara Bara Bara Bara Bara B			
No	Adjustment P	ercentage (Su	ıbtotal 3) [0%
ompliance History F	Person Classification (Subtotal 7)	Vi. 5		
Average Per		ercentage (Su	ıbtotal 7)	0%
ompliance History S			, -	
Compliance History Notes	Penalty enhancement due to three previous 1660 orders.		n President Promiser	
	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	60%

Screening Date	4-Dec-2007	Docke	t No. 2007-1957-AIR-E	PCW
Respondent	Southwest Convenience	Stores, LLC		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.	88			
Media [Statute]				
Enf. Coordinator	·			
Violation Number	1 1			
Rule Cite(s	30 Tex. Admin. Code	§ 114.100(a) and Tex	c. Health & Safety Code § 382.08	5(b)
Violation Description	the control period of Oc conducted on October	tober 1 through March 7, 2007. Specifically,	tent of 2.7% by weight of gasolin 31, as documented by an inves samples taken from the mid-gradine found to be 2.2% and 1.4% or respectively.	igation leading and leading an
			Base	Penalty \$10,000
>> Environmental, Property	and Human Health M	atrix		
	Harm		rest restrict to the state of t	
OR Release				
Potentia		X	Percent 10%	
rotenta	1			
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
			Percent 0%	
	30. (1		ant amounts of pollutants which	did not
Matrix Notes exceed le	evels that are protective of	human health or envir violation.	ronmental receptors as a result o	f the
				<u> </u>
			Adjustment	\$9,000
				\$1,000
Violation Events				
Number of V	olation Events 2		4 Number of violation days	
	<u> </u>			
	daily			
	monthly		Violetian Dago	Penalty \$2,000
mark only one with an x	quarterly semiannual		Violation Base	Penalty \$2,000
<u></u>	annual			
	single event x			
	T L			
,	Two sir	ngle events are recom	mended.	
Economic Benefit (EB) for the	nis violation		Statutory Limit Tes	
Estimate	ed EB Amount	\$0	Violation Final Pena	ity Total \$2,700
		This visiation Fine!	Account Danathy Individual for	r limits) \$2,700
		inis violation Final	Assessed Penalty (adjusted fo	i mints)

	Е	conomic l	3enefit W	orks/	heet		
Respondent S Case ID No. 3 Reg. Ent. Reference No. F	35055	venience Stores, L	LC	ert Stockholmsterende	7 Eleven Stat	ion 57604	
Media / Violation No.	∆ir					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs_				=1			
Equipment	.,			0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0 \$0	\$0
Engineering/construction				0.0	\$0 \$0	- \$∪ n/a	\$0 \$0
Land				0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling	\$600	7-Oct-2007	11-Oct-2007	0.0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal	φουυ	1-001-2001	11-06-2007	0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs				0.0	\$0	n/a	\$0 \$0
Other (as needed)				0.0	\$0 \$0	n/a	\$0
Notes for DELAYED costs		required is the	nvestigation date	and the	final date is the da		
Avoided Costs	ANN	UALIZE [1] avoid	ea costs before e			one-time avoided c	
Disposal Personnel				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling	-		-	0.0	\$0 \$0	\$0	\$0 \$0
Supplies/equipment				0.0	\$0 \$0	\$0	\$0 \$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.000		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs					No. 2011		10 d
Approx. Cost of Compliance		\$600			TOTAL		\$0

Compliance History

Customer/Respondent/Owner-Operator:

CN601563778

Southwest Convenience Stores, LLC

Classification: AVERAGE

Rating: 3.43

Regulated Entity:

RN102396702

7 FLEVEN 57604

Classification: AVERAGE

Site Rating: 9.00

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

7291

REGISTRATION

Location:

AIR NEW SOURCE PERMITS

ACCOUNT NUMBER

EE1157C

10418 RUSHING RD, EL PASO, TX, 79924

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region:

REGION 06 - EL PASO

Date Compliance History Prepared:

December 04, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

December 04, 2002 to December 04, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

James Nolan

(512) 239-6634

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/10/2005

ADMINORDER 2004-0076-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 114, SubChapter D 114.100(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the 30 TAC Chapter 114.100(a) Oxygenated Fuel Requirement.

Effective Date: 05/12/2006

ADMINORDER 2005-1670-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter C 115.252(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the

control period of June 1, 2005 - September 16, 2005.

Effective Date: 08/10/2007

ADMINORDER 2006-2038-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 114, SubChapter D 114.100(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the

control period of October 1 through March 31.

В. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D

> 1 12/09/2002 (9253)

2 12/12/2002 (17949)

(37893)3 05/16/2003

4 05/18/2004 (272842)

5 06/25/2004 (268470)6 07/13/2004 (255124)

7 07/15/2004 (281434)

8 08/12/2005 (403241)

9	08/27/2005	(407245)
10	07/06/2006	(485180)
11	11/10/2006	(518081)
12	01/11/2007	(535705)
13	07/23/2007	(563840)
14	11/12/2007	(600612)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

ΝΙ/Δ

J. Early compliance.

N/A

Sites Outside of Texas

	culation Worksheet (PCW)
Policy Revision 2 (September 2002)	PCW Revision November 6, 200
DATES Assigned 19-Nov-2007 PCW 20-Dec-2007 Screening 4-D	Dec-2007 EPA Due
RESPONDENT/FACILITY INFORMATION Respondent Southwest Convenience Stores, L Reg. Ent. Ref. No. RN102390028	LLC 7 Eleven Station 57616
Facility/Site Region 6-El Paso	Major/Minor Source Minor
CASE INFORMATION	
Enf./Case ID No. 35055 Docket No. 2007-1957-AIR-E	No. of Violations 1 Order Type 1660
Media Program(s) Air	Enf. Coordinator James Nolan
Multi-Media Admin. Penalty \$ Limit Minimum \$0 Maxi	imum \$10,000 EC's Team Enforcement Team 4
Penalty (Calculation Section
TOTAL BASE PENALTY (Sum of violation base	
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (S	Subtotal 1) by the indicated percentage.
Compliance History	0% Enhancement Subtotals 2, 3, & 7
Notes No penalty enhancement due	to average performer classification.
Culpability No	0% Enhancement Subtotal 4
Notes The Respondent does no	ot meet the culpability criteria.
Good Faith Effort to Comply Before NOV NOV to EDPRP/Settl	25% Reduction Subtotal 5 \$75
Extraordinary	inent one
Ordinary X (mark with x)	· · · · · · · · · · · · · · · · · · ·
Notes The Respondent came into	compliance on October 7, 2007.
	0% Enhancement* Subtotal 6
Total EB Amounts \$0 Approx. Cost of Compliance \$600	Capped at the Total EB \$ Amount
SUM OF SUBTOTALS 1-7	Final Subtotal \$2,2
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage.	0% Adjustment
Notes	
	Final Penalty Amount \$2,2
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$2,2
DEFERRAL Section (February	20% Reduction Adjustment -\$4
Reduces the Final Assessed Penalty by the indicted percentage. (Enter nur	
Notes Deferral offered fo	or expedited settlement.
PAYABLE PENALTY	\$1,8

	4 5 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	ning Date 4-Dec-2007 Docket No. 2007-1957-AIR-E	***************************************		PCW
	.5(0.00),0405,000,000,000,000,000,000,000	spondent Southwest Convenience Stores, LLC se ID No. 35055	4.1	evision 2 (Sej. Revision Nove	
Re	eg. Ent. Refer Media	ence No. RN102390028 [Statute] Air ordinator James Nolan			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
ar or a supposition of a	OCCUPANTA OF STREET	Compliance History Worksheet	1 1 1 1 1 1	animanahin mananan manan	esenot con con con
>> Cor		y Site Enhancement (Subtotal 2) Number of E	Enter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	į
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders</i> meeting criteria)	,0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%]
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
		Plea	se Enter Yes or No		1
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment P	ercentage (Sเ	ıbtotal 2)	0%
>> Rep	peat Violator (Su	ibtotal 3)			
	No	Adjustment P	ercentage (Su	ıbtotal 3)	0%
-> Cor	mpliance History	y Person Classification (Subtotal 7)			
	Average P	erformer Adjustment P	ercentage (Su	ıbtotal 7)	0%
-> Cor	mpliance History	y Summary			
	Compliance History Notes	No penalty enhancement due to average performer classification.			
		Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	0%

	ning Date 4-D		11	Oocket No. 2007-19	57-AIR-E	PCW
		ıthwest Convenier	nce Stores, LLC		P	olicy Revision 2 (September 2002)
	se ID No. 350					PCW Revision November 6, 2007
Reg. Ent. Refer	[Statute] Air	102390028				
	ordinator Jam	nes Nolan				
Violatio	on Number					
F	Rule Cite(s)	30 Tex. Admin. C	ode § 114.100(a) a	nd Tex. Health & Safe	ty Code § 382.085(b))
Violation C	the Description c	e control period of conducted on Octo ade, and premium	October 1 through ober 1, 2007. Spec gasoline at pump r	en content of 2.7% by March 31, as docume ffically, samples taken number four were foun nt by weight, respective	ented by an investiga from the regular, m d to be 1.7%, 1.7%,	ition id-
					Base Pe	nalty \$10,000
>> Environmental, F	Property and					
	Release	Har Major Mode				
OR	Actual Potential		X	Percent	10%	
>>Programmatic Ma	atrix					
F	Falsification	Major Mode	rate Minor	Percent	t 0%	
Matrix Notes	Human health o exceed levels	r the environment that are protective	was exposed to ins e of human health o violation	ignificant amounts of r environmental recep	pollutants which did otors as a result of th	not e
				Adjustme	ent \$9	9,000
						\$1,000
Violation Events						
Nu	umber of Violatio	on Events 3		6 Number	of violation days	MATERIAL CONTRACTOR OF THE CON
		daily				
п	mark only one q with en x sel	uarterly miannual annual gle event x			Violation Base Pe	nalty \$3,000
		Thre	ee single events are	recommended.		
Economic Benefit (EB) for this v	riolation		Statut	ory Limit Test	
	Estimated EE	3 Amount	\$(Viola	ation Final Penalty	Total \$2,250
			This violation	Final Assessed Pen	alty (adjusted for li	mits) \$2,250

	E	conomic I	3enefit W	orks	heet		
Respondent	Southwest Con	venience Stores, Ll	LC ' [†]	000000000000000000000000000000000000000	7 Eleven Stat	ion 57616	
Case ID No.							
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
Violation No.	1					- 6	
						5.0	15]
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							1176
Equipment				0,0	\$0 · i	\$0	\$0
, Buildings			22.000000	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0' ' ' '	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	4000	4 0 1 0007	7 6 1 0007	0,0	\$0	n/a	\$0
Training/Sampling	\$600	1-Oct-2007	7-Oct-2007	0,0	\$0 00	n/a	\$0
Remediation/Disposal				0,0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a	\$0 \$0
Other (as needed)		الــــا		0.0	φυ 1	HIG	- φυ
Notes for DELAYED costs	Estimated cos				equired oxygenate final date is the da	d fuel content is ma te of compliance.	aintained, Date
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering	item (except for a	ne-time avoided o	osts)
Disposai				0.0	\$0	\$0	\$0
Personnel			-	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs					2000 2000 2000 2000		
Approx. Cost of Compliance		\$600		. [TOTAL		\$0

Compliance History

			•						
Cust	omer/Respondent/Owner-Operator:	CN601563778	South	vest Convenience Sto	res, LLC	Classification:	AVERAGE	Ratin	g: 3.43
Regu	ulated Entity:	RN102390028	7 ELE	VEN 57616		Classification: I	HIGH	Site F	Rating: 0.00
ID N	umber(s):	PETROLEUM ST REGISTRATION			REGISTRA			7276	,
Loca	tion:	AIR NEW SOUR 3101 N YARBRO		IITS EL PASO, TX, 79925		NUMBER Rating Date: Se	eptember 01	EE1167 07 Repea	area and an area and a second
TCE	Q Region:	REGION 06 - EL	PASO						
Date	Compliance History Prepared:	December 04, 20	07						
Agen	ncy Decision Requiring Compliance History:	Enforcement							
Com	pliance Period:	December 04, 20	02 to Dec	ember 04, 2007					
TCE	Q Staff Member to Contact for Additional Inf	ormation Regarding	this Com	oliance History					
Nam	e: James Nolan	Ph	ione:	(512) 239-6634					
		Sita C	omnlian	ce History Compo	nante				
4 IIa	as the site been in existence and/or operation								
	as there been in existence and/or operation as there been a (known) change in ownershi	_			Yes No				
	, , ,	p of the site during the	ic compi	ance penod:	N/A				
	Yes, who is the current owner? Yes, who was/were the prior owner(s)?								
					N/A				
	/hen did the change(s) in ownership occur?				N/A				
	nponents (Multimedia) for the Site: Final Enforcement Orders, court judgement	inter and consont do	croos of t	he state of Texas and	the federal (rovernment			
Α.		ints, and consent de	CICCS OI I	THE STATE OF TEXAS AND	the leacher g	joverninent.			
	N/A								
B.	Any criminal convictions of the state of To	exas and the federal	governme	ent.					
C.	Chronic excessive emissions events.								
	N/A			•					
D.	The approval dates of investigations. (CC	EDS Inv. Track. No.	.)						
	1 03/15/2003 (26822) 2 07/03/2003 (133919) 3 05/27/2004 (272761)		,						
	4 07/13/2004 (281394) 5 06/09/2005 (377122) 6 07/01/2005 (398426) 7 11/09/2005 (436210)								
	8 05/19/2006 (463828) 9 11/14/2006 (516682) 10 07/25/2007 (565687) 11 11/16/2007 (600136)								
E.	Written notices of violations (NOV). (CCE	DS Inv. Track. No.)							
F.	Environmental audits. N/A								

N/A

G.

Н.

١.

J. Early compliance.

N/A

Type of environmental management systems (EMSs).

Participation in a voluntary pollution reduction program.

Voluntary on-site compliance assessment dates.

Sites Outside of Texas

Policy Revision 2 (Septe	Penalty Calculatio	on Worksheet (P	CW) PCW Revision N	ovember 6, 2007
	19-Nov-2007 20-Dec-2007 Screening 4-Dec-2007	EPA Due		
RESPONDENT/FACILITY Respondent S Reg. Ent. Ref. No. F Facility/Site Region (Southwest Convenience Stores, LLC RN102395274	7 Elev	en Station 57618	And the second s
CASE INFORMATION Enf./Case ID No. 2 Docket No. 2 Media Program(s) / Multi-Media Admin. Penalty \$ L	2007-1957-AIR-E Air	No. of Violations Order Type Enf. Coordinator EC's Team	1660	
TOTAL BASE DENAL	Penalty Calcul		Subtotal 1	\$3,000
ADJUSTMENTS (+/-)	FO SUBTOTAL 1 ad by multiplying the Total Base Penalty (Subtotal 1) by ry 229 Penalty enhancement due to one nonsimi	by the indicated percentage. 6 Enhancement Subt	totals 2, 3, & 7	\$660
Culpability Notes	No O The Respondent does not meet the second sec	6 Enhancement	Subtotal 4	\$0
Good Faith Effort Extraordinary Ordinary N/A Notes	to Comply Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent came into compliance		Subtotal 5	\$750
		6 Enhancement* ed at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	1.7		Final Subtotal	\$2,910
OTHER FACTORS AS Reduces or enhances the Final Su Notes	JUSTICE MAY REQUIRE btotal by the indicated percentage.	0%	Adjustment	\$0
STATUTORY LIMIT A	DJUSTMENT		enalty Amount essed Penalty	\$2,910 \$2,910
DEFERRAL Reduces the Final Assessed Pena Notes	lly by the indicted percentage. <i>(Enter number only, e</i> Deferral offered for expedit		Adjustment	-\$582
PAYABLE PENALTY			1	\$2,328

	ence No. RN102395274		
	[Statute] Air ordinator James Nolan		
	Compliance History Worksheet		
	y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
, NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1.	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
	Any criminal convictions of this state or the federal government (number of counts) Chronic excessive emissions events (number of events)	0	0% 0%
Emissions	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	-	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
•	9	se Enter Yes or No	0%
	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Sเ	ıbtotal 2
: Violator (Su	ibtotal 3) sala kandida kandida Kanga salam pandakan Abbas kandida kandida kandida kandida kandida kandi		
No	Adjustment P	ercentage (Sเ	ıbtotal 3
iance Histor	y Person Classification (Subtotal 7)	7.0	
Average P		ercentage (Sı	ıbtotal 7
iance History	y Summary		
Compliance History		ler.	1 2 1 2 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1

Screening Date	4-Dec-2007		Dock	et No. 2007-1957-AIR-E	PCW
Respondent		venience Stor	es, LLC	Pol	cy Revision 2 (September 2002)
Case ID No.				F	CW Revision November 6, 2007
Reg. Ent. Reference No.					-
Media [Statute]					
Enf. Coordinator Violation Number					
	!]				
Rule Cite(s)	30 Tex. Adı	min. Code § 1	14.100(a) and Te	ex. Health & Safety Code § 382.085(b)	
Violation Description	the control per conducted o	riod of Octobe n October 7, 2 emium gasolin	r 1 through Marc 007. Specificall e at pump numb	ntent of 2.7% by weight of gasoline du th 31, as documented by an investigati y, samples taken from the regular, mic er two were found to be 2.2%, 2.1%, a weight, respectively.	on -
				Base Pen	alty \$10,000
>> Environmental, Property a	nd Human H	lealth Matri	×		
		Harm			
Release	Major	Moderate	Minor		
OR Actual Potential			X	Percent 10%	
Fotential	<u> </u>			1070	
>>Programmatic Matrix					
Falsification	Major	Moderate	Minor		
				Percent 0%	***************************************
		7.0.000			
Matrix Notes Human heal exceed lev	th or the enviror	nment was expotective of hum	oosed to insignifi an health or env violation.	cant amounts of pollutants which did r vironmental receptors as a result of the	ot
				Adjustment \$9,	000
				Aujustinent vo,	
					\$1,000
Violation Events					
Number of Vio	lation Events	3		4 Number of violation days	
	<u> </u>		. I Processor		
	daily				·
	monthly			Violation Page Pan	alty \$3,000
mark only one with an x	quarterlysemiannual			Violation Base Pen	φο,σσσ
	annual		•		
	single event	X			
Į-					ECOROTI
		Three single	events are reco	mmended.	
Economic Benefit (EB) for th	s violation			Statutory Limit Test	
Estimated	I EB Amount		\$0	Violation Final Penalty T	otal \$2,910
	•			I Assessed Density (adjusted for the	ita) \$2.010
		Thi	s violation Fina	I Assessed Penalty (adjusted for lim	its) \$2,910

	L-	conomic l	senetit vv	orks	sheet		
		venience Stores, Ll	LC		7 Eleven Stat	tion 57618	
Case ID No.							
Reg. Ent. Reference No.					40 M		4.5
Media						Percent Interest	Years of
Violation No.	1	***************************************		00000000000000000000000000000000000000			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
пешрезоприот	NO COMMINS OF Ψ						
Delayed Costs							
Equipment	<u> </u>	1		0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System			arin ber taban berbaha	0,0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	11-Oct-2007	0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	400000000000000000000000000000000000000						
Other (an increase)		<u> </u>		0,0	\$0	l n/a l	\$0
Notes for DELAYED costs		required is the i	nvestigation date	ure the r and the	required oxygenate final date is the da	ed fuel content is ma te of compliance.	ilntained, Date
•		required is the i	nvestigation date	ure the r and the	required oxygenate final date is the da item (except for	ed fuel content is ma te of compliance: one-time avoided c	ilntalned, Date
Notes for DELAYED costs		required is the i	nvestigation date	ure the rand the ntering	required oxygenate final date is the da item (except for a	ed fuel content is ma te of compliance. one-time avoided c	intained, Date osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		required is the i	nvestigation date	ure the rand the ntering	required oxygenate final date is the date is the date.	ord fuel content is matter of compliance.	osts) \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling		required is the i	nvestigation date	ure the rand the ordering 0.0 0.0 0.0	required oxygenate final date is the date.	d fuel content is matter of compliance. one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		required is the i	nvestigation date	ure the rand	equired oxygenate final date is the da item (except for e \$0 \$0 \$0 \$0 \$0	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		required is the i	nvestigation date	ure the rand	equired oxygenate final date is the da item (except for e \$0 \$0 \$0 \$0 \$0	ed fuel content is mate of compliance. one-time avoided compliance so	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) SO
Notes for DELAYED costs AVoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		required is the i	nvestigation date	ure the rand	equired oxygenate final date is the da item (except for e \$0 \$0 \$0 \$0 \$0	ed fuel content is mate of compliance. one-time avoided compliance so	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) SO
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) SO
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) SO
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		required is the i	nvestigation date	ure the rand the ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	required oxygenate final date is the da item (except for a so	ed fuel content is mate of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) SO

Compliance History CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43 Customer/Respondent/Owner-Operator: 7 ELEVEN 57618 Classification: AVERAGE Site Rating: 3.83 Regulated Entity: RN102395274 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7288 REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1169S Rating Date: 9/1/2007 Repeat Violator: NO Location: 10300 MCCOMBS ST, EL PASO, TX, 79924 REGION 06 - EL PASO TCEQ Region: Date Compliance History Prepared: December 04, 2007 Agency Decision Requiring Compliance History: Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 James Nolan Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2006-2038-AIR-E Effective Date: 08/10/2007 Classification: Moderate 30 TAC Chapter 114, SubChapter D 114.100(a) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Any criminal convictions of the state of Texas and the federal government. В. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 12/12/2002 (17925)2 05/19/2003 (40901)3 04/20/2004 (269537)4 07/15/2004 (281437)5 07/20/2005 (400230)6 11/29/2005 (438639)7 11/10/2006 (518605)8 01/11/2007 (535711)9 03/27/2007 (540200)10 07/06/2007 (565658)11 11/12/2007 (600584)

Minor

Classification:

The Stage II records pertaining to the Healy Monitor were showing several failures on the

Daily Printouts. There were no records of maintenace being performed on the Healy

Environmental audits.

Citation:

Date: 04/19/2004

Self Report?

Description:

N/A

Type of environmental management systems (EMSs),

Written notices of violations (NOV). (CCEDS Inv. Track. No.)

(269537)

30 TAC Chapter 115, SubChapter C 115.246(3)

System when the daily printout showed a failure.

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

Policy Revision 2 (Sep	Penalty Ca	alculation	Workshee	` '	November 6, 2007
TC-C	terriber 2002)			T OVV INEVISION	November 0, 2007
DATES Assigned PCW	19-Nov-2007 20-Dec-2007 Screening	4-Dec-2007	EPA Due		
RESPONDENT/FACILITY					
Respondent Reg. Ent. Ref. No.	Southwest Convenience Stor	es, LLC		7 Eleven Station 57620	
Facility/Site Region			Major/Minor	Source Minor	
CASE INFORMATION					
Enf./Case ID No.			No. of Vic	A CARLO CARROLL AND A CARLO CA	
Docket No. Media Program(s)	2007-1957-AIR-E Air			er Type 1660 dinator James Nolan	
Multi-Media	300		EC'	s Team Enforcement Team 4	
Admin. Penalty \$	_imit Minimum \$0]	Maximum	\$10,000		
	Penalt	y Calculat	ion Section		
TOTAL BASE PENAL	TY (Sum of violation ba	ase penalties	s)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1				
Subtotals 2-7 are obtain	ned by multiplying the Total Base Pen	auserinus video urbus escriber y vive totales contratores en 1997 e			#c00
Compliance Hist	ory	60%	Enhancement	Subtotals 2, 3, & 7	\$600
Notes	Penalty enhancement du	ue to three previ	ous 1660 style orde	ers.	
Culpability	No	0%	Enhancement	Subtotal 4	\$0
· Notes	The Respondent do	es not meet the	culpability criteria.		***************************************
Good Faith Effor	t to Comply	0%	Reduction	Subtotal 5	\$0
F. 4		/Settlement Offer			
Extraordinary Ordinary					
N/A	X (mark with x)			*	
Notes	The Respondent does not meet the good faith criteria.				
					
	Total EB Amounts \$14		inhancement* at the Total EB \$ Amoun	Subtotal 6t	\$0
Арргох.	Cost of Compliance \$600				
SUM OF SUBTOTAL	\$ 1-7			Final Subtotal	\$1,600
OTHER FACTORS A	S JUSTICE MAY REQUI	RE [0%	Adjustment	\$0
	ubtotal by the indicated percentage.				
Notes				7	
					¢4.000
			F	inal Penalty Amount	\$1,600
STATUTORY LIMIT	ADJUSTMENT		Fin	al Assessed Penalty	\$1,600
DEFERRAL		Γ		luction Adjustment	-\$320
Reduces the Final Assessed Per	nalty by the indicted percentage. <i>(Ent</i> e	er number only; e.g.	20 for 20% reduction.)		
Notes	Deferral offer	ed for expedited	settlement.		
		10:10:00s; 11:00s 11:00s		<u> </u>	
PAYABLE PENALTY					\$1,280

Docket No. 2007-1957-AIR-E PCW Screening Date 4-Dec-2007 Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) Case ID No. 35055 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102394756 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 0 0% (number of NOVs meeting criteria) **NOVs** Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of orders 3 60% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory ብ% 0 emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting n 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal Ò 0% Any criminal convictions of this state or the federal government (number of counts) 0 0% Convictions Chronic excessive emissions events (number of events) 0% Ò Emissions Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a Νo ሰ% special assistance program Other Participation in a voluntary pollution reduction program 0% No Early compliance with, or offer of a product that meets future state or federal government No environmental requirements 60% Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) 0% >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance Penalty enhancement due to three previous 1660 style orders. History Notes Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	4-Dec-2007	Docket	No. 2007-1957-AIR-E	PCW
	Southwest Convenience	Stores, LLC	Po	licy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No. Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code	e § 114.100(a) and Tex. I	Health & Safety Code § 382.085(b	
Violation Description	the control period of Octob	ctober 1 through March 3 per 7, 2007. Specifically,	nt of 2.7% by weight of gasoline di 1, as documented by an investigat a sample taken from the premium ound to be 2.0% oxygen content b	ion
			Base Per	salty \$10,000
>> Environmental, Property a	and Human Health N	latrix		
Palance	Harm Major Moderate	o Minor		
Release OR Actua		e Minor		2000
Potentia			Percent 10%	
>>Programmatic Matrix Falsification	Major Moderate	e Minor		ALTER AND
			Percent 0%	· ·
			Tanana ta afaa lixtaata wallab ala	
Matrix Notes Human nea	vels that are protective o	f human health or enviroi	it amounts of pollutants which did inmental receptors as a result of th	9
		violation.		
			Adjustment \$9	,000
				\$1,000
Violation Events				
Number of Vi	olation Events 1	59	Number of violation days	
	daily			
	monthly			
mark only one with an x	quarterly semiannual		Violation Base Per	nalty \$1,000
7007 201 7	annual			·
	single event x			
	One	single event is recomme	nded.	
Economic Benefit (EB) for the	is violation		Statutory Limit Test	
		644	Violation Final Penalty 1	· ·otal \$1,600
Estimate	d EB Amount	\$14	violation Final Penalty I	
		This violation Final A	ssessed Penalty (adjusted for lir	nits) \$1,600

Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
Violation No.	l					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Date Required) mui Butc	110	microst curcu	Officially Goods	2D / Illiount
Delayed Costs							
Equipment		l l		0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0,5	\$14	n/a	\$14
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$ 0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs		, and the second	re	quireme	ents. Item (except for	ontrol period of oxyg one-time avoided c	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]				0,0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			CHE THE STATE OF T	0.0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]				(0)23(1)(0)2			

Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43 Customer/Respondent/Owner-Operator: CN601563778 RN102394756 7 ELEVEN 57620 Classification: AVERAGE Site Rating: 11.25 Regulated Entity: ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7287 REGISTRATION ACCOUNT NUMBER EE11711 AIR NEW SOURCE PERMITS Rating Date: September 01 07 Repeat Violator: NO 9635 MCCOMBS ST. EL PASO, TX, 79924 Location: **REGION 06 - EL PASO** TCEQ Region: December 04, 2007 Date Compliance History Prepared: Enforcement Agency Decision Requiring Compliance History: December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 Name: James Nolan Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2005-1670-AIR-E Effective Date: 05/12/2006 Classification: Moderate 30 TAC Chapter 115, SubChapter C 115,252(2) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005. ADMINORDER 2006-1261-AIR-E Effective Date: 07/13/2007 Classification: Moderate 30 TAC Chapter 115, SubChapter C 115.252(2) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failure to comply with Reid Vapor Pressure (RVP) Fuel Requirements. ADMINORDER 2006-2038-AIR-E Effective Date: 08/10/2007 Classification: Moderate Citation: 30 TAC Chapter 114, SubChapter D 114.100(a) 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31. Any criminal convictions of the state of Texas and the federal government. B. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D (17941)1 12/12/2002 2 05/31/2003 (61462)

(281438)

(339858)

(403021)

(407384)

(486221)

(518057)

3 07/15/2004

4 12/21/2004 5 08/12/2005

6 08/27/2005

7 07/14/2006

8 11/01/2006

9 01/11/2007 (535714) 10 07/05/2007 (564933) 11 11/12/2007 (600623)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

NI/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Policy Revision 2 (Sept	Penalty Calculation Worksheet (PCW)	vision November 6, 2007
TCEQ DATES Assigned PCW		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	t Southwest Convenience Stores, LLC 7 Eleven Station 57621 RN102398112	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	. 2007-1957-AIR-E Order Type 1660 Air Enf. Coordinator James Nolan EC's Team Enforcement Tea	am 4
TOTAL BASE PENAL	Penalty Calculation Section LTY (Sum of violation base penalties) Subtotal 1	\$1,000
ADJUSTMENTS (+/-)) TO SUBTOTAL 1 ained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. tory 0% Enhancement Subtotals 2, 3, & 7	\$0
Culpability Notes	No 0% Enhancement Subtotal 4 s The Respondent does not meet the culpability criteria.	\$0
Good Faith Efford Extraordinary Ordinary N/A Notes	Before NOV NOV to EDPRP/Settlement Offer y X (mark with x)	\$0
Approx. (Total EB Amounts \$14 Capped at the Total EB \$ Amount \$ \$600	\$0
SUM OF SUBTOTALS	LS 1-7 Final Subtotal	\$1,000
	AS JUSTICE MAY REQUIRE 0% Adjustment Subtotal by the indicated percentage.	\$0
2	Final Penalty Amount	\$1,000
STATUTORY LIMIT A	ADJUSTMENT Final Assessed Penalty	\$1,000
DEFERRAL Reduces the Final Assessed Pen	20% Reduction Adjustment enalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	-\$200
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY	Y	\$800

PCW Screening Date 4-Dec-2007 Docket No. 2007-1957-AIR-E Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) Case ID No. 35055 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102398112 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action Ò 0% **NOVs** (number of NOVs meeting criteria) Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory 0% Ω emergency orders issued by the commission of Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal ń በ% Any criminal convictions of this state or the federal government (number of counts) 0 0% Convictions **Emissions** Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Average Performer 0% Adjustment Percentage (Subtotal 7) >> Compliance History Summary

No penalty enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Compliance

History Notes

Screening Date	4-Dec-2007	Docket I	No. 2007-1957-AIR-E	PCW
Respondent	Southwest Convenience	Stores, LLC	Policy Re	vision 2 (September 2002)
Case ID No.	35055		PCW F	Revision November 6, 2007
Reg. Ent. Reference No.	RN102398112			-
Media [Statute]				
Enf. Coordinator				
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code	e § 114.100(a) and Tex. H	lealth & Safety Code § 382.085(b)	
Violation Description	the control period of Oc conducted on Octobe	tober 1 through March 31 er 11, 2007. Specifically,	it of 2.7% by weight of gasoline during , as documented by an investigation a sample taken from the premium bund to be 2.2% oxygen content by	
			Base Penalty	\$10,000
		I_4_1.		,
>> Environmental, Property a	ind Human Health M Harm	iatrix		
Release		e Minor		
OR Actual		x		and construction of the co
Potential			Percent 10%	·
>>Programmatic Matrix	Maiar Madagata	Minor		
<u>Falsification</u>	Major Moderate	e Minor	Percent 0%	
[200000 E101 E0000200000	l l		1 ereent	***************************************
Human hea	Ith or the environment wa	s exposed to insignificant	amounts of pollutants which did not	
Matrix exceed le	vels that are protective of	human health or environ	mental receptors as a result of the	
Notes		violation.		
L				
			Adjustment \$9,000	444,1461.104
			-	\$1,000
			L	Ψ1,000
Violation Events				· · · · · · · · · · · · · · · · · · ·
				and the section is
Number of Vi	olation Events 1	55	Number of violation days	
	daily			
mark only one	monthly quarterly		Violation Base Penalty	\$1,000
with an x	semiannual		, ,	
	annual			
	single event x			
			1	
	One s	single event is recommen	ided.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$14	Violation Final Penalty Total	\$1,000
		This violation Final As	sessed Penalty (adjusted for limits)	\$1,000
The state of the same of the s		Housion I mai Ao	, (-1,1-1)	. ,

Respondent S Case ID No. 3		venience Stores, L	LC		7 Eleven Sta	tion 57621	
Reg. Ent. Reference No. R Media A Violation No. 1					y .	Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				e-		
Delayed Costs				ı			
Equipment				0.0	\$0 ,	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction Land				0.0	\$0	n/a	\$0 \$0
Record Keeping System		20002010000000000000000000000000000000		0.0	\$0 \$0	n/a	φ0 \$0
Training/Sampling	\$600	11-Oct-2007	31-Mar-2008	0.5	\$14	n/a	\$14
Remediation/Disposal	φοσο	11-0602007	01-WQ1-2000	0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0.
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			late and the final d		e last day of the c	ed fuel content is ma ontrol period of oxyg	
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal 📃				0.0	\$0	\$0	\$0
Personnel			•	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0 l	\$0
Notes for AVOIDED costs							

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43 Regulated Entity: RN102398112 Classification: HIGH Site Rating: 0.00 7 ELEVEN 57621 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7295 REGISTRATION EE1172G AIR NEW SOURCE PERMITS ACCOUNT NUMBER Rating Date: 9/1/2007 Repeat Violator: NO 5401 S GATEWAY BLVD, EL PASO, TX, 79904 Location: TCEQ Region: **REGION 06 - EL PASO** Date Compliance History Prepared: December 04, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: December 04, 2002 to December 04, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 Name: James Nolan Phone: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. R Chronic excessive emissions events. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 01/09/2003 (16404)2 05/19/2003 (44763)3 06/30/2003 (126858)4 12/22/2003 (257563)5 01/14/2004 (256485)6 06/30/2004 (268472)7 07/15/2004 (281848)8 07/06/2006 (485269)9 07/05/2007 (564921)10 11/12/2007 (600731)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. F. Environmental audits. N/A Type of environmental management systems (EMSs). G. Voluntary on-site compliance assessment dates. Η.

N/A

J.

N/A
Early compliance.

N/A

Participation in a voluntary pollution reduction program.

N/A

į.

3.5 Jan 1

Penalty Calcula Policy Revision 2 (September 2002)	ation Worksheet (PCW) PCW Revision November 6, 2007
DATES	2007 EPA Due
RESPONDENT/FACILITY INFORMATION Respondent Southwest Convenience Stores, LLC Reg. Ent. Ref. No. RN102399094 Facility/Site Region 6-El Paso	7 Eleven Station 57625 Major/Minor Source Minor
CASE INFORMATION Enf./Case ID No. 35055 Docket No. 2007-1957-AIR-E Media Program(s) Air Multi-Media Admin. Penalty \$ Limit Minimum \$0 Maximu	No. of Violations 1 Order Type 1660 Enf. Coordinator EC's Team Enforcement Team 4 n \$10,000
Penalty Cal	culation Section
TOTAL BASE PENALTY (Sum of violation base pe	nalties) Subtotal 1 \$1,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subto Compliance History	tal 1) by the indicated percentage. 60% Enhancement Subtotals 2, 3, & 7 \$600
Notes Penalty enhancement due to three	se previous 1660 style orders.
Culpability No	0% Enhancement Subtotal 4 \$0
Notes The Respondent does not m	eet the culpability criteria.
Good Faith Effort to Comply Before NOV NOV to EDPRP/Settlement Extraordinary X (mark with x) Notes The Respondent came into comply	
Total EB Amounts \$1 Approx. Cost of Compliance \$600	0% Enhancement* Subtotal 6 \$0 Capped at the Total EB \$ Amount
SUM OF SUBTOTALS 1-7	Final Subtotal \$1,350
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage.	0% Adjustment \$0
Notes	Final Penalty Amount \$1,350
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$1,350
DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number	20% Reduction Adjustment -\$270 only; e.g. 20 for 20% reduction.)
Notes Deferral offered for ex	
PAYABLE PENALTY	\$1,080

Screening Date 4-Dec-2007 Docket No. 2007-1957-AIR-E PCW Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) **Case ID No. 35055** PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102399094 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Adjust. Enter Number Here Written NOVs with same or similar violations as those in the current enforcement action O 0% **NOVs** (number of NOVs meeting criteria) Other written NOVs 0% O Any agreed final enforcement orders containing a denial of liability (number of orders 3 60% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments criteria \ and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees 0 '' judgments or consent decrees without a denial of liability, of this state or the federal 0% government Any criminal convictions of this state or the federal government (number of counts) 0 0% Convictions Chronic excessive emissions events (number of events) Emissions 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0% n Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% No Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) 60% >> Repeat Violator (Subtotal 3) No 0% Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal Average Performer 0% Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance Penalty enhancement due to three previous 1660 style orders History Notes Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	4-Dec-2007	Docket No	5. 2007-1957-AIR-E	PCW
	Southwest Convenience Stor	es, LLC	Policy F	tevision 2 (September 2002)
Case ID No.			PCW	Revision November 6, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator Violation Number	·			
	 			
Rule Cite(s)	30 Tex. Admin. Code § 1	14.100(a) and Tex. He	alth & Safety Code § 382.085(b)	
Violation Description	the control period of Octobe conducted on October 4, 200	r 1 through March 31, 07. Specifically, a sam	of 2.7% by weight of gasoline during as documented by an investigation ple taken from the regular unleaded 2.1% oxygen content by weight.	
			Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Matri	X		
	Harm	Minan		
OR Release		Minor x		
Potential			Percent 10%	
			I	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor	D	
	<u> </u>		Percent 0%	0.00
The state of the s	tt. th. t. t.	J to insignificant	are justs of collections which did not	
iviatrix exceed le			mounts of pollutants which did not ental receptors as a result of the	
Notes		violation.		
<u>L</u>				3
			Adjustment \$9,000	
and the same of th				\$1,000
reconstruction of the second o				
Violation Events				
			Number of violation days	
Number of Vi	olation Events 1	8	Number of violation days	
orazona.	daily			
a variante	monthly			
mark only one	quarterly		Violation Base Penalty	\$1,000
with an x	semiannual			
700 TO	annual			
	single event x			
	One single	e event is recommende	ed.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$1	Violation Final Penalty Total	\$1,350
			and Boulton (will see A. S. a. H. 19.	64 050
	Thi	s violation Final Asse	essed Penalty (adjusted for limits)	\$1,350

	E	conomic l	Benefit W	orks	heet	400.0	
Respondent	Southwest Con	venience Stores, L	LC		7 Eleven Sta	ion 57625	
Case ID No.		•					
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Nequired	i iliai Date	113	Interest Daveu	Offettine dosts	LD Amount
Item Description	No commas or \$		·				
Delayed Costs		ı J		1 44	0.0		60
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0° \$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	\$600	4-Oct-2007	12-Oct-2007	0,0	\$1	n/a	\$1
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			3/3/2	0,0	\$0	n/a	\$0
Notes for DELAYED costs		required is the	nvestigation date	and the f	inal date is the da	a a a a a a a a a a a a a a a a a a a	
Avoided Costs	ANN	IUALIZE [1] avoide	ed costs before e	ntering	item (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3] Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		<u> </u>	φυ	Ψυ	φυ
gradient de la company de la c							
Notes for AVOIDED costs							2.143
Approx. Cost of Compilance		\$600		Gaecycor	TOTAL		\$1

Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Rating: 3.43 RN102399094 7 ELEVEN 57625 Classification: AVERAGE Site Rating: 9.44 Regulated Entity: ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 7298 REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1174C Rating Date: September 01 07 Repeat Violator: NO 8701 ALAMEDA AVE, EL PASO, TX, 79907 Location: TCEQ Region: **REGION 06 - EL PASO** Date Compliance History Prepared: December 04, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: December 04, 2002 to December 04, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: James Nolan Phone: (512) 239-6634 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Effective Date: 01/08/2005 ADMINORDER 2004-0033-AIR-E Classification: Moderate 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter A 382.085(b) Description: Failure to comply with the 7.0 psia. maximum Reid Vapor Pressure (RVP) requirement. Effective Date: 05/12/2006 ADMINORDER 2005-1670-AIR-E Classification: Moderate Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005. Effective Date: 07/13/2007 ADMINORDER 2006-1261-AIR-E Classification: Major 30 TAC Chapter 115, SubChapter C 115.252(2) Citation: 5C THC Chapter 382, SubChapter D 382.085(b) Description: Entity failed to comply with 30 TAC, Chapter 115.252 (2), Reid Vapor Pressure Fuel requirement. В. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D.

1 03/22/2003

2 06/11/2003

3 08/25/2003

4 09/17/2003

5 11/30/2003

6 12/30/2003

7 07/13/2004

8 12/21/2004

(19586)

(60677)

(151837)

(145557)

(255963)

(256838)

(280167)

(339859)

9	06/20/2005	(380889)			
10	08/16/2005	(405083)			
11	08/27/2005	(407398)			
12	11/11/2005	(436035)			
13	08/07/2006	(490093)			
14	11/13/2006	(519392)			
15	11/12/2007	(599997)	1		

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Policy Revision 2 (Sept		alty C	alculatio	n Worksheet	• •	on November 6, 2007
TCEQ DATES Assigned PCW	12-Nov-2007 20-Dec-2007 S c	creening[4-Dec-2007	EPA Due		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Southwest Conven RN102393980	ience Sto	res, LLC	7 E Major/Minor Sou	Eleven Station 57631	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	2007-1957-AJR-E Air	\$0	Maximum	Enf. Coordina	ons 1 ype 1660 ator James Nolan eam Enforcement Team	4
		Penal	ty Calcula	ation Section		***************************************
TOTAL BASE PENAL	.TY (Sum of vio	lation b	ase penaltic	es)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-)	TO SUBTOTAL	1		the indicated percentage.		
Subtotals 2-7 are obtain Compliance Histo		tal Base Per			ubtotals 2, 3, & 7	\$0
Notes	No adjustr	nent due t	to average perf	ormer classification.		
Culpability Notes	No The Resp	ondent do		Enhancement culpability criteria.	Subtotal 4	\$0
Good Faith Effort	to Comply		25%	Reduction	Subtotal 5	\$250
Extraordinary Ordinary N/A	Х	rk with x)	P/Settlement Offer			
Notes	The Respond	ent came	into complianc	e on October 10, 2007.		***************************************
Approx. (Total EB Amounts Cost of Compliance	\$0 \$600		Enhancement* I at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTAL:	S 1-7				Final Subtotal	\$750
OTHER FACTORS AS Reduces or enhances the Final S			IRE	0%	Adjustment	\$0
Notes	asional sy the indicator p	or contage.		2000		
				Fina	Penalty Amount	\$750
STATUTORY LIMIT A	DJUSTMENT			Final A	Assessed Penalty	\$750
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted perce	entage. <i>(Ent</i>	ter number only; e.g	20% Reduction.)	n Adjustment	-\$150
Notes			red for expedite			

PAYABLE PENALTY

\$600

e o contain to be facilities and the	ing Date 4-Dec-2007 Docket No. 2007-1957-AIR-E pondent Southwest Convenience Stores, LLC	Dollar D	evision 2 (Septemi
Cas eg. Ent. Refere	se ID No. 35055 ence No. RN102393980 [Statute] Air		Revision Novembe
	ordinator James Nolan		i .
	Compliance History Worksheet		52
mpliance History Component	Site Enhancement (Subtotal 2)	Enter Number Here	··· Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1.0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	U	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ö	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
O,lici	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Su	ıbtotal 2)
eat Violator (Su	btotal 3)		
No		ercentage (Su	ıbtotal 3) 🔃
npliance History	Person Classification (Subtotal 7)	·	
Average Pe	Adjustment P	ercentage (Su	ıbtotal 7) 🔃
npliance History	Summary		
Compliance History Notes	No adjustment due to average performer classification.		
-	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)

Screening Date	€ 4-Dec-2007	Docket No	. 2007-1957-AIR-E	PCW
	t Southwest Convenience Sto	ores, LLC	Policy Re	vision 2 (September 2002)
Case ID No			PCW F	Revision November 6, 2007
Reg. Ent. Reference No Media [Statute				denograda
Enf. Coordinato				**************************************
Violation Numbe	· property and the second			менерознача
Rule Cite(s				
	' 30 Tex. Admin. Code §	114.100(a) and Tex. Hea	Ith & Safety Code § 382.085(b)	707
Violation Description	the control period of October	oer 1 through March 31, a 4, 2007. Specifically, a s	f 2.7% by weight of gasoline during s documented by an investigation ample taken from the premium d to be 2.2% oxygen content by	
			Base Penalty[\$10,000
>> Environmental, Property	and Human Health Mat	rix		areignean
Release	Harm e Major Moderate	Minor		0.000
OR Actua		X		***************************************
Potentia	1		Percent 10%	2000
S. D. S.				
>>Programmatic Matrix Falsification	n Major Moderate	Minor		
			Percent 0%	
			nounts of pollutants which did not nat nat receptors as a result of the	The second secon
<u> </u>			Adjustment \$9,000	a a a a a a a a a a a a a a a a a a a
			Adjustment \$\psi_000\]	
				\$1,000
Violation Events				and the second s
Number of V	iolation Events 1	6	Number of violation days	
	21231			
	daily monthly		•	
mark only one			Violation Base Penalty	\$1,000
with an x	semiannual			
	annual x			
	omgo osost A			anocone
	One sing	gle event is recommende	d.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
Estimate	ed EB Amount	\$0	Violation Final Penalty Total	\$750
	•	his violation Final Acces	and Populty (adjusted for limita)	\$750
	II.	nis violation Final Asses	ssed Penalty (adjusted for limits)	φ/30

	Е	conomic	Benefit W	orks	heet		
Respondent	t Southwest Con	venience Stores, L	LC		7 Eleven Sta	tion 57631	000000000000000000000000000000000000000
Case ID No						4 - 4 - 454	
Reg, Ent. Reference No	RN102393980				30 Sec. 2		
Media	a Air					Percent Interest	Years of
Violation No	. 1					. crount interior	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
metin Hanambira	ii iyo commas or w						
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings	\$15000 B. 6000 B.C			0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction	New Years and the			0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0;0	\$0	n/a	\$0
Training/Sampling	\$600	4-Oct-2007	10-Oct-2007	0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$O	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		required is the	Investigation date	and the t	final date is the da		
Avoided Costs	s <u>ANN</u>	IUALIZE [1] avoid	ed costs before e			one-time avoided o	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	<u> \$0 </u>	\$0
Service Control	200 CO						
Notes for AVOIDED costs							
Hotes for Avoided costs							
	200						
	p						
Approx. Cost of Compliance		\$600			TOTAL		\$0

Compliance History Customer/Respondent/Owner-Operator: CN601563778 Southwest Convenience Stores, LLC 7 ELEVEN 57631 Regulated Entity: RN102393980 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION AIR NEW SOURCE PERMITS ACCOUNT NUMBER 9061 DYER ST, EL PASO, TX, 79904 Location: TCEQ Region: **REGION 06 - EL PASO** Date Compliance History Prepared: December 04, 2007 Agency Decision Requiring Compliance History: Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 Phone: Name: James Nolan **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. В. Chronic excessive emissions events. C. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/22/2003 (144745)2 04/08/2004 (268707)3 07/23/2004 (282703)4 06/21/2005 (377120)5 06/24/2005 (397429)6 05/04/2006 (464459)7 06/20/2006 (483186)8 07/13/2006 (485584)9 11/16/2006 (519512)10 11/08/2007 (600223)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. N/A Ē. Environmental audits. Type of environmental management systems (EMSs). Voluntary on-site compliance assessment dates. н

Classification: AVERAGE

Classification: HIGH

Rating: 3.43

7285

Rating Date: September 01 07 Repeat Violator: NO

EE1178R

Site Rating: 0.00

N/A

ı

Sites Outside of Texas

N/A

Early compliance.

Participation in a voluntary pollution reduction program.

 $(4.5\% \pm 6.5\% \pm 0.0\% \pm$

Policy Revision 2 (September 2002) PCW Revision November 6, 200 PCW 20-Dec-2007 Screening 4-Dec-2007 EPA Due RESPONDENT/FACILITY INFORMATION Respondent Reg. Ent. Ref. No. RN102391331 Facility/Site Region 6-El Paso Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 35055 No. of Violations Docket No. 2007-1957-AIR-E Order Type 1660 Enf. Coordinator James Nolan Multi-Media Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section
Respondent Southwest Convenience Stores, LLC 7 Eleven Station 57637 Reg. Ent. Ref. No. RN102391331 Facility/Site Region 6-El Paso Major/Minor Source Minor CASE INFORMATION Ent./Case ID No. 35055 No. of Violations Docket No. 2007-1957-AIR-E Order Type 1660 Media Program(s) Air Ent. Coordinator James Nolan EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section
Enf./Case ID No. 35055 No. of Violations 1 Docket No. 2007-1957-AIR-E Order Type 1660 Media Program(s) Air Enf. Coordinator James Nolan Multi-Media EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section
TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 40% Enhancement Subtotals 2, 3, & 7 S40 Notes Penalty enhancement due to two previous 1660 style orders.
Culpability No 0% Enhancement Subtotal 4 \$ Notes The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply 0% Reduction Subtotal 5 Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria.
0% Enhancement* Subtotal 6 \$ Total EB Amounts \$14 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$600
SUM OF SUBTOTALS 1-7 Final Subtotal \$1,40
OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment \$ Reduces or enhances the Final Subtotal by the indicated percentage. Notes
Final Penalty Amount \$1,40
STATUTORY LIMIT ADJUSTMENT State
Notes Deferral offered for expedited settlement. PAYABLE PENALTY \$1,12

PAYABLE PENALTY

PCW Docket No. 2007-1957-AIR-E Screening Date 4-Dec-2007 Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) Case ID No. 35055 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102391331 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action ń 0% **NOVs** (number of NOVs meeting criteria) 0% Other written NOVs O Any agreed final enforcement orders containing a denial of liability (number of orders 2 40% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0% 'n emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting n 0% **Judgments** criteria) and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees 0 judgments or consent decrees without a denial of liability, of this state or the federal 0% government Any criminal convictions of this state or the federal government (number of counts) 0% Convictions 0 0% Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) 0% Adjustment Percentage (Subtotal 3) No >> Compliance History Person Classification (Subtotal 7 Average Performer Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance History Penalty enhancement due to two previous 1660 style orders. Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date		24/4/2 - 4 - 1948 - 1/48/00/14 - 144	No. 2007-1957-AIR-E	PCW
	t Southwest Convenience S	tores, LLC		Policy Revision 2 (September 2002)
Case ID No Reg. Ent. Reference No	306 £			PCW Revision November 6, 2007
Media [Statute				
Enf. Coordinato	COOL .			
Violation Numbe	er 1			***************************************
Rule Cite(s	30 Tex. Admin. Code §	§ 114.100(a) and Tex. ⊦	lealth & Safety Code § 382.	085(b)
Violation Descriptio	the control period of October	ober 1 through March 31 r 8, 2007. Specifically, (nt of 2.7% by weight of gasol I, as documented by an inve a sample taken from the pre ound to be 2.2% oxygen con	estigation mium
			Bas	e Penalty \$10,000
>> Environmental, Property		trix		
Releas	Harm e Major Moderate	Minor		
OR Actual Potential	al	X	Percent 10%	
>>Programmatic Matrix				
Falsification	n Major Moderate	Minor		
			Percent 0%	
Matrix Notes Human he exceed	ealth or the environment was levels that are protective of h	exposed to insignificant numan health or environ violation.	t amounts of pollutants which mental receptors as a result	h did not t of the
			Adjustment	\$9,000
			•	\$1,000
Violation Events				
Number of \	/iolation Events 1	58	Number of violation day	ys
	daily			
	monthly	### ### ### ### ### ### #### #########	Violation Bas	e Penalty \$1,000
mark only one with an x	e quarterly semiannual annual single event x		Violation Bas	e i enaity Vi,ess
	One si	ngle event is recommer	nded.	
Economic Benefit (EB) for t	this violation		Statutory Limit Te	st
Estimat	ted EB Amount	\$14	Violation Final Pen	alty Total \$1,400
		This violation Final As	sessed Penalty (adjusted	for limits) \$1,400

Violation No.							Depreciation
Selfar editor						5,0	7
	Item Cost	Date Required	Final Date	Yrs li	nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings			3000	0,0	\$0	\$0	\$0
Other (as needed)		MR CHECKER CONTROL		0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System Training/Sampling	\$600	8-Oct-2007	31-Mar-2008	0.5	\$0 \$14	n/a n/a	\$U \$14
Remediation/Disposal	φουυ	0-001-2007	31-IVIA1-2000	0.0	\$0	n/a	φ14 \$0
Permit Costs		-		0.0	\$0	n/a	\$0
Other (as needed)	-			0.0	\$0	n/a	ψ0 \$0
Notes for DELAYED costs	required is	s the investigation d		ate is the la quirements		ontrol period of oxyge	enated fuel
Avoided Costs	INA	NUALIZE [1] avoido	ed costs before e	ntering ite		one-time avoided c	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$ 0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 *0
				13.1.1.2.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	\$0 \$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]	0.000	1 55 (6 6 6 7 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	1461-1401-1603/1404-1605-1605				
				0.0	\$0	1 \$U]	ΨΟ

Rating: 3.43

Site Rating: 9.62

Compliance History Southwest Convenience Stores, LLC Classification: AVERAGE Customer/Respondent/Owner-Operator: CN601563778 RN102391331 7 ELEVEN 57637 Classification: AVERAGE Regulated Entity: ID Number(s): REGISTRATION PETROLEUM STORAGE TANK 7279 REGISTRATION EE1182D ACCOUNT NUMBER AIR NEW SOURCE PERMITS 3601 MONTANA AVE, EL PASO, TX, 79903 Rating Date: September 01 07 Repeat Violator: NO Location: TCEQ Region: **REGION 06 - EL PASO** Date Compliance History Prepared: December 04, 2007 Agency Decision Requiring Compliance History: Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: James Nolan Phone: (512) 239-6634 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2005-1670-AIR-E Effective Date: 05/12/2006 Classification: Moderate Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter A 382.085(b) Description: Failure to comply with the maximum 7.0 psia Reid Vapor Pressure (RVP) requirements during the control period of June 1, 2005 - September 16, 2005. ADMINORDER 2006-1261-AIR-E Effective Date: 07/13/2007 Classification: Major Citation: 30 TAC Chapter 115, SubChapter C 115.252(2) 5C THC Chapter 382, SubChapter D 382.085(b) Description: Failure to comply with 30 TAC 115.252(2) RVP Fuel Requirements. B. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 12/20/2002 (20110)2 04/04/2003 (28754)3 07/03/2003 (33616)4 08/27/2003 (152521)5 06/17/2004 (268504)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

(282669)

(342085)

(401229)

(407359)

(486814)

(600603)

6 08/02/2004

7 11/23/2004 ·

8 08/12/2005

9 08/27/2005

10 07/28/2006

11 11/12/2007

Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Policy Revision 2 (Septemb	_	Calculation	Worksheet (P	*	lovember 6, 2007
TCEQ DATES Assigned 19 PCW 20		ng 4-Dec-2007	EPA Due	1.5.1911.1551.6591.8	
RESPONDENT/FACILITY INF Respondent Sou Reg. Ent. Ref. No. RN Facility/Site Region 6-E	uthwest Convenience 1 102204195	Stores, LLC	7 Elev	en Station 57646	
CASE INFORMATION Enf./Case ID No. 350 Docket No. 200 Media Program(s) Air Multi-Media Admin. Penalty \$ Limi	07-1957-AIR-E	Maximum	No. of Violations Order Type Enf. Coordinato EC's Team	1660	
TOTAL BASE PENALTY		alty Calculation	on Section	Subtotal 1	\$1,000
ADJUSTMENTS (+/-) TO Subtotals 2-7 are obtained b Compliance History	SUBTOTAL 1	Penally (Subtotal 1) by the 0% Er	hancement Subt	totals 2, 3, & 7	\$0
Culpability Notes	No The Respondent	0% Er	hancement	Subtotal 4	\$0
Good Faith Effort to Extraordinary Ordinary N/A Notes	Sefore NOV NOV to ED X (mark with x	PRP/Settlement Offer	Reduction	Subtotal 5	\$250
	al EB Amounts \$0 of Compliance \$600		iancemenit he Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS 1	-7			Final Subtotal	\$750
OTHER FACTORS AS JI Reduces or enhances the Final Subtot Notes			0%	Adjustment	\$0
			Final Pe	nalty Amount	\$750
STATUTORY LIMIT ADJ	USTMENT		Final Ass	essed Penalty	\$750
DEFERRAL Reduces the Final Assessed Penalty b		(Enter number only; e.g. 20)		Adjustment	-\$150
PAYABLE PENALTY					\$600

	pondent Southwest Convenience Stores, LLC se ID No. 35055	***	ovision 2 (Se _l Revision Nov
Ent. Refer Media	ence No. RN102204195 [Statute] Air ordinator James Nolan		
	Compliance History Worksheet	:	
	<i>i Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
zomponent	Written NOVs with same or similar violations as those in the current enforcement action		
NOVs	(number of NOVs meeting criteria)	Ö	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	·0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	Ö	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addison	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	INO	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	l No	0%
	1	Percentage (Su	ibtotal 2
VI=1=4/0			
Violator (Su			
No	Adjustment F	Percentage (Sเ	iptotai 3)
iance Histor	y Person Classification (Subtotal 7)		
Average P	erformer Adjustment F	Percentage (Sเ	ıbtotal 7)
ance Histor	y Summary		
Compliance History Notes	No penalty enhancement due to average performer classification.		Marie († Parie de place)
110163			
	Total Adjustment Percentage	e (Subtotals 2	2, 3, & 7

Screening Date	4-Dec-2007		Oocket No. 2007-1957	-AIR-E	PCW
	t Southwest Convenie	ence Stores, LLC			vision 2 (September 2002)
Case ID No				PCW R	evision November 6, 2007
Reg. Ent. Reference No					
Media [Statute Enf. Coordinato					
Violation Numbe					
Rule Cite(s	J				
Nule Olle(S	30 Tex. Admin. (Code § 114.100(a) a	ind Tex. Health & Safety (Code § 382.085(b)	
Violation Description	the control period of conducted on O	of October 1 through October 2, 2007. Spe a at pump number se	en content of 2.7% by we March 31, as documente ecifically, a sample taken even was found to be 1.29 weight.	ed by an investigation from the premium	
				Base Penalty	\$10,000
>> Environmental, Property	and Human Healt	h Matrix	4.122.000		200000
	На	ırm			20.
OR Release		erate Minor x	3		or responses
Potentia			Percent	10%	
				······································	***************************************
>>Programmatic Matrix					an unantitation of
Falsification	n Major Mod	erate Minor	Percent	0%	ARRAMATION TO
			<u> </u>	0,701	no control common
			significant amounts of pol or environmental receptor n.		
			Adjustment	\$9,000	and the second s
				1	\$1,000
Violation Events					9,0,0,0
Number of V	iolation Events	1	5 Number of	violation days	
mark only one with an x	semiannual annual	x	V	iolation Base Penalty[\$1,000
	Single Svent				***************************************
		One single event is r	ecommended.		
Economic Benefit (EB) for t	his violation	0.5302.2005.00	Statutor	y Limit Test	
Estimate	ed EB Amount	\$	0 Violatio	on Final Penalty Total	\$750
		This violation	n Final Assessed Penalt	v (adjusted for limite)	\$750
		inis violation	ı Filidi Assesseu Penait	y (aujusteu for mints)[Ψ130

		conomic I		orks	heet	11.05000	
		venience Stores, LI	-C		7 Eleven Sta	tion 57646	
Case ID No.							
Reg. Ent. Reference No.					1100	12	1
Media						Percent Interest	Years of
Violation No.	1					1	Depreciation
			Service Control			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					100	
Delayed Costs				1		1000	
Egulpment				0,0	\$0	\$0	. \$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed) Engineering/construction				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction Land				0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0
Training/Sampling	\$600	2-Oct-2007	7-Oct-2007	0.0	\$0 \$0	n/a	\$0
Remediation/Disposal		2 00(2007	1 000 2001	0,0	\$0	n/a	\$0
Permit Costs	23/2/2003			0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs		required is the i	nvestigation date	and the	final date is the da	one-time avoided c	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
	<u> </u>			0.0	\$0	\$0	\$0
Financial Assurance [2]		Bassacia de Caracia de		0,0	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]		(c)					ΦA
1				0.0	<u> </u> ≬U	<u> \$0 </u>	\$0
ONE-TIME avoided costs [3]				0.0	1 \$0	1 \$ 0 F	\$0
ONE-TIME avolded costs [3] Other (as needed)				0.0	\$ U	1 20	\$0

Rating: 3.43 CN601563778 Southwest Convenience Stores, LLC Classification: AVERAGE Customer/Respondent/Owner-Operator: Site Rating: 0.00 RN102204195 7 ELEVEN 57646 Classification: HIGH Regulated Entity: ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE1743G PETROLEUM STORAGE TANK REGISTRATION 66840 REGISTRATION Rating Date: 9/1/2007 Repeat Violator: NO 8160 GATEWAY BLVD E, EL PASO, TX, 79907 Location: REGION 06 - EL PASO TCEQ Region: December 04, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: (512) 239-6634 Name: James Nolan **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Nο N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. R N/A Chronic excessive emissions events. C. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 12/30/2002 (19615)2 09/06/2003 (149950)3 07/15/2004 (270986)4 08/11/2004 (286384)5 12/02/2004 (342717)6 07/20/2005 (400341)7 07/25/2005 (381170)8 06/15/2006 (471863)9 07/06/2006 (484132)10 11/12/2007 (599993)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) F. Environmental audits. G. Type of environmental management systems (EMSs). Voluntary on-site compliance assessment dates. Н. Participation in a voluntary pollution reduction program. l.

N/A

Early compliance.

J.

N/A

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en de la composition La composition de la La composition de la

Policy Revision 2 (Septen		ilty Calculat	ion Workshee	•	n November 6, 2007
	19-Nov-2007 20-Dec-2007 Sc	reening 4-Dec-200	7 EPA Due	THE BUTTERS OF THE STREET	
RESPONDENT/FACILITY IN Respondent S Reg. Ent. Ref. No. R Facility/Site Region 6	outhwest Convenie N102383965	ence Stores, LLC	Major/Minor S	7 Eleven Station 57649 ource Minor	
CASE INFORMATION Enf./Case ID No. 3: Docket No. 2: Media Program(s) A Multi-Media Admin. Penalty \$ Lir	007-1957-AIR-E ir	\$0 Maximum	Enf. Coord	ations 1 Type 1660 inator James Nolan Team Enforcement Team	4
			lation Section		
TOTAL BASE PENALT			lties)	Subtotal 1	\$1,000
ADJUSTMENTS (+/-) T Subtotals 2-7 are obtained Compliance Histor	d by multiplying the Tota	al Base Penalty (Subtotal 1) by the indicated percentage. 9% Enhancement	Subtotals 2, 3, & 7	\$0
Notes	No penalty enha	ncement due to aver	age performer classificati	on.	***************************************
Culpability Notes	No The Respo		0% Enhancement the culpability criteria.	Subtotal 4	\$0
Good Faith Effort t			0% Reduction	Subtotal 5	\$0
Extraordinary Ordinary N/A Notes	X (mar	V to EDPRP/Settlement Of k with x) undent does not meet	the good faith criteria.		
	otal EB Amounts st of Compliance		9% Enhancement* ped at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	1-7	7.1955		Final Subtotal	\$1,000
OTHER FACTORS AS Reduces or enhances the Final Sub			0%	Adjustment	\$0
Notes					\$1,000
STATUTORY LIMIT AD	JUSTMENT			I Assessed Penalty	\$1,000
DEFERRAL Reduces the First Assessed Bondle	h, by the indisted	ntage (Enter symbol and	20% Redu	clion Adjustment	-\$200
Reduces the Final Assessed Penall Notes		erral offered for expe			
PAYABLE PENALTY					\$800

Docket No. 2007-1957-AIR-E PCW Screening Date 4-Dec-2007 Respondent Southwest Convenience Stores, LLC Policy Revision 2 (September 2002) Case ID No. 35055 PCW Revision November 6, 2007 Reg. Ent. Reference No. RN102383965 Media [Statute] Air Enf. Coordinator James Nolan **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 0 0% NOVs (number of NOVs meeting criteria) Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0% 0 emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 4 0% Convictions Any criminal convictions of this state or the federal government (number of counts) 0 0% Chronic excessive emissions events (number of events) 0 0% Emissions Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% No Voluntary on-site compliance assessments conducted by the executive director under a 0% No special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No Adjustment Percentage (Subtotal 3) 0% >> Compliance History Person Classification (Subtotal 7) Average Performer 0% Adjustment Percentage (Subtotal 7) >> Compliance History Summary Compliance No penalty enhancement due to average performer classification. History Notes Total Adjustment Percentage (Subtotals 2, 3, & 7)

	Date 4-Dec-2007		And the first of the following of the second	et No. 2007-1957-AIR-E		PCW
	ndent Southwest C	onvenience St	tores, LLC			n 2 (September 2002)
Hard State Control of the State Country of the Stat	D No. 35055				PCW Revis	ion November 6, 2007
Reg. Ent. Referenc Media [Sta		15				***************************************
요즘 하는 것으로 그리고 요즘 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은 아이들은	nator James Nolan					
Violation N	30, 100 (100 (a) p					
Pulo	Cite(s)	<u> </u>				***************************************
Kule	30 Tex. A	Admin. Code §	114.100(a) and Te	ex. Health & Safety Code § 3	82.085(b)	***************************************
Violation Desc	the control pription	period of Octoled on October	ber 1 through Marc 7, 2007. Specifica	ntent of 2.7% by weight of gath 31, as documented by an ially, a sample taken from the as found to be 2.1% oxygen at.	nvestigation premium	
				Е	Base Penalty	\$10,000
>> Environmental, Prop	erty and Human	Health Mat	trix			- Anna
		Harm			***************************************	***************************************
OR R	elease Major Actual	Moderate	Minor			***************************************
	otential		X	Percent 109	%	
>>Programmatic Matrix	•					***************************************
	ication Major	Moderate	Minor		***************************************	***************************************
				Percent 0	%	***************************************
Matrix Notes Hum	an health or the enviceed levels that are p	ronment was e protective of h	exposed to insignifi uman health or env violation.	cant amounts of pollutants w fironmental receptors as a re	hich did not sult of the	
				Adjustment	\$9,000	
						\$1,000

Violation Events						narenvoca
Numbe	er of Violation Events	1		59 Number of violation	days	
•	daily					***************************************
	monthly any one quarterly an x semiannual			Violation E	Base Penalty	\$1,000
	annual single event	X				
						-
		One sin	igle event is recom	mended.		
Economic Benefit (EB)	for this violation			Statutory Limit	Test	
Es	timated EB Amount		\$14	Violation Final F	Penalty Total	\$1,000
		т	his violation Fina	I Assessed Penalty (adjuste	ed for limite)	\$1,000
		1	mo violation i illa	. Accessed Felialty (adjuste	- 101 mmta/	ψ1,000

Case ID No.		venience Stores, L	LC		7 Eleven Stat	tion 57649	
Reg, Ent. Reference No. Media Violation No.	RN102383965 Air				or the Art of the Section 1995	Percent Interest	Years of Depreciation
· ioidiloii iioi	,					5,0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						er 2000 - 200
D-L							
Delayed Costs Equipment				1 o.o 1	\$0	l \$0 l	\$0
Equipment Buildings			ga -Xwari a a sa	0.0	\$0	\$0	\$0
Other (as needed)	200000000000000000000000000000000000000			0.0	\$0	\$0	\$0
Engineering/construction		56500 Parity 4 - 65		0,0	\$0	\$0	\$0
Land				0,0	\$0::	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	\$600	7-Oct-2007	31-Mar-2008	0,5	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	Estimated cos	st of implementing	procedures to ens	0.0	\$0	n/a	\$0
Notes for DELAYED costs	required is	the investigation o	late and the final d	0.0 sure the r date is the equireme	\$0 required oxygenate e last day of the co ents.	n/a ed fuel content is ma ontrol period of oxyg	\$0 aintained. Date penated fuel
Notes for DELAYED costs Avoided Costs	required is	the investigation o	late and the final d	0,0 sure the r date is the equireme	\$0 required oxygenate e last day of the conts. Item (except for a	n/a ed fuel content is ma ontrol period of oxyg one-time avoided o	\$0 aintained. Date genated fuel costs)
Notes for DELAYED costs Avoided Costs Disposal	required is	the investigation o	late and the final d	0.0 sure the r date is the equireme entering	\$0 equired oxygenate e last day of the or ints. item (except for a	n/a ed fuel content is ma ontrol period of oxyg one-time avoided o	\$0 aintained, Date genated fuel costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	required is	the investigation o	late and the final d	o.o sure the ridate is the equireme entering	\$0 equired oxygenate e last day of the or ints. item (except for a	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	required is	the investigation o	late and the final d	o.o sure the redate is the equireme entering 0.0 0.0 0.0	\$0 required oxygenate e last day of the counts. Item (except for a \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	required is	the investigation o	late and the final d	o.0 sure the redate is the equireme entering 0.0 0.0 0.0 0.0	\$0 equired oxygenate e last day of the counts. Item (except for a \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	required is	the investigation o	late and the final d	o.0 sure the redate is the equireme entering 0.0 0.0 0.0 0.0 0.0	\$0 equired oxygenate e last day of the counts. item (except for a solution solution) \$0 \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of so \$0 \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	required is	the investigation o	late and the final d	o.0 sure the redate is the equireme entering 0.0 0.0 0.0 0.0	\$0 equired oxygenate e last day of the counts. Item (except for a \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0	\$0 aintained, Date genated fuel costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	required is	the investigation o	late and the final d	o.o. sure the ridate is the equireme entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 required oxygenate e last day of the counts. Item (except for a solution of solution) \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	required is	the investigation o	late and the final d	o.o. sure the ridate is the equireme entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 required oxygenate e last day of the counts. Item (except for a solution of solution) \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	required is	the investigation o	late and the final d	o.o. sure the ridate is the equireme entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 required oxygenate e last day of the counts. Item (except for a solution of solution) \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed fuel content is ma ontrol period of oxyg one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 aintained. Date penated fuel costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601563778	Southwest Co	onvenience Sto	ores, LLC	Classification	n: AVERAGE	Rating: 3.	43
Regulated Entity:	RN102383965	7 ELEVEN 57	7649		Classification	n: HIGH	Site Ratin	g: 0.00
ID Number(s):	PETROLEUM STO			REGISTRA			70612 EE2057A	
Location:	AIR NEW SOURCE 850 N ZARAGOZA), TX, 79907	ACCOUNT		September 01		olator: NO
TCEQ Region:	REGION 06 - EL P	ASO						
Date Compliance History Prepared:	December 04, 200	7						
Agency Decision Requiring Compliance History:	Enforcement							
Compliance Period:	December 04, 200	2 to December	04, 2007					
TCEQ Staff Member to Contact for Additional Info	ormation Regarding th	nis Compliance	History					
Name: James Nolan	Pho	ne: <u>(51</u>	2) 239-6634					
	Site Co	mpliance His	story Compo	nents				
1. Has the site been in existence and/or operatio				Yes				
Has there been a (known) change in ownershi				No				
3. If Yes, who is the current owner?				N/A				
4. if Yes, who was/were the prior owner(s)?				N/A	,			
5. When did the change(s) in ownership occur?				N/A				
Components (Multimedia) for the Site:								
A. Final Enforcement Orders, court judgeme	ents, and consent deci	rees of the stat	e of Texas and	I the federal g	overnment.			
N/A								
B. Any criminal convictions of the state of Te	avas and the federal o	overnment						
B. Any criminal convictions of the state of Te	sxas and the lederal g	overninent.						
C. Chronic excessive emissions events.								
N/A								
D. The approval dates of investigations. (CC	EDS Inv. Track. No.)							
1 05/12/2003 (36594) 2 12/17/2003 (256588) 3 02/23/2004 (259103)								
4 04/22/2004 (267487) 5 07/30/2004 (282775) 6 10/27/2004 (338109) 7 11/04/2004 (340200) 8 07/20/2005 (397553)								
9 11/14/2006 (519112) 10 11/12/2007 (600468)								
E. Written notices of violations (NOV). (CCE	EDS Inv. Track. No.)					•		
F. Environmental audits.								
G. Type of environmental management syst	tems (EMSs).							
H. Voluntary on-site compliance assessmen	nt dates.	•						
Participation in a voluntary pollution reduce	ction program.							

N/A
Early compliance.

N/A

40.0

Policy Revision 2 (Sept	•	y Calculatio	n Works	heet (PC	•	lovember 6, 2007
TCFQ DATES Assigned PCW	12-Nov-2007 20-Dec-2007 Scree	ning 4-Dec-2007	EPA Due			
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	Southwest Convenienc RN105204283	e Stores, LLC	Major/N	7 Eleven	Station 57652	
CASE INFORMATION Enf./Case ID No. Docket No. Media Program(s) Multi-Media Admin. Penalty \$ L	2007-1957-AIR-E Air	Maximum		of Violations 1 Order Type 16 Coordinator Ji EC's Team E		
TOTAL BASE PENAL	and the second s	enalty Calcula on base penalti	Control of the company of the control of the contro	ion	Subtotal 1	\$1,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 led by multiplying the Total Ba pry	se Penalty (Subtotal 1) b	y the indicated perc Enhancement	Subtota	als 2, 3, & 7	\$0
Culpability Notes	No The Responde	0% ent does not meet th	• Enhancement ne culpability crit	eria.	Subtotal 4	\$0
Good Faith Efford Extraordinary Ordinary N/A Notes	Before NOV NOV to X (mark with	EDPRP/Settlement Offer h x) came into complian		, 2007.	Subtotal 5	\$250
Approx. (Total EB Amounts \$0 Cost of Compliance \$60	*Cappe	□ Enhancement* Indicate the Total EB \$ 2	Amount	Subtotal 6	\$0
SUM OF SUBTOTAL:	§ 1-7			Fin	al Subtotal	\$750
OTHER FACTORS AS Reduces or enhances the Final S			0%]		Adjustment	\$0
Notes			2 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	Final Pena	Ity Amount	\$750
STATUTORY LIMIT A	DJUSTMENT			Final Assess	sed Penalty	\$750
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted percentag	e. (Enter number only; e	20% g. 20 for 20% reduc		Adjustment	-\$150
Notes	Deferra	I offered for expedite	ed settlement.			
PAYABLE PENALTY						\$600

Screen	ing Date 4-Dec-2007 Docket No. 2007-1957-AIR-E			PC
	pondent Southwest Convenience Stores, LLC se ID No. 35055	e e e e e e e e e e e e e e e e e e e	evision 2 (Septen Revision Novemb	
g. Ent. Refer Media	ence No. RN105204283 [Statute] Air ordinator James Nolan			,
	Compliance History Worksheet Site Enhancement (Subtotal 2)		Artinat	
Component	Written NOVs with same or similar violations as those in the current enforcement action	Inter Number Here	Adjust.	
NOVs	(number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission and factorial and the commission of the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Any criminal convictions of this state or the federal government (number of counts)	.0	0%	
Emissions	Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Pleas	e Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Outo	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment Po	ercentage (Su	ıbtotal 2)	0
at Violator (Su	btotal 3).		100	
No	Adjustment Po	ercentage (Su	ıbtotal 3) 🗌	09
oliance History	Person Classification (Subtotal 7)			
Average Po	erformer Adjustment Po	ercentage (Su	ıbtotal 7) 🗌	09
oliance History	Summary			
Compliance History Notes	No adjustment due to average performer classification.	artes de Tal		
	Total Adjustment Percentage	(Subtotale 2	2 8 7)	0,

Screening Date	4-Dec-2007	Docket No. 2007-1957-AIR-E	PCW
Respondent	Southwest Convenience Stores, LLC		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN105204283		
Media [Statute]	Air		
Enf. Coordinator	James Nolan		
Violation Number		· ·	
Rule Cite(s)	30 Tex. Admin. Code § 114.100(a	ı) and Tex. Health & Safety Code § 382.08	35(b)
Violation Description	the control period of October 1 throu conducted on October 2, 2007.	tygen content of 2.7% by weight of gasolingh March 31, as documented by an inves Specifically, a sample taken from the premon three was found to be 1.8% oxygen cont weight.	tigation iium
		Base	Penalty \$10,000
>> Environmental, Property a	Harm		
OR Actual Potential	X	Percent 10%	
>>Programmatic Matrix			
Falsification	Major Moderate Minor	Percent 0%	
		insignificant amounts of pollutants which th or environmental receptors as a result o ion.	
en den bestelle de la company		Adjustment	\$9,000
			\$1,000
Violation Events			
Number of Vi	plation Events 1	5 Number of violation days	,
mark only one with an x	daily	Violation Base	Penalty \$1,000
	annual x single event x		
	One single event i	s recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limit Tes	
Estimate	d EB Amount	\$0 Violation Final Pena	
	This violati	ion Final Assessed Penalty (adjusted fo	r limits) \$750

	E	conomic l	Benefit W	'orks	heet		
Respondent	Southwest Con	venience Stores, L	LC		7`Eleven Sta	tion 57652	
Case ID No.							
Reg. Ent. Reference No.							
Media	Air						Years of
Violation No.	8					Percent Interest	Depreciation
Violation No.	[1					5.0	15
						Anna da anna d	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
and the second terror and terror	747 - 1944 PRODUKTOR			contractions	commission encoding to a fill light half for health	Kanbahali Silan kara pamanan ayan ayan a	107550 / Communication and American
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)			- 1, 250 (p. 252)	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	- \$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	*****	0.0.1.0007	7.0.1.0007	0,0	\$0 \$0	n/a n/a	\$0
Training/Sampling	\$600	2-Oct-2007	7-Oct-2007	0.0	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Permit Costs Other (as needed)				0.0	\$0	n/a	\$0 \$0
Notes for DELAYED costs	Estimated co				equired oxygenate	ed fuel content is ma ite of compliance.	aintained. Date
Notes for DELAYED costs Avoided Costs		required is the	nvestigation date	and the	final date is the da	ite of compliance.	costs)
Avoided Costs Disposal		required is the	nvestigation date	and the	final date is the da Item (except for \$0	ite of compliance. one-time avoided of	costs) \$0
Avoided Gosts Disposal Personnel		required is the	nvestigation date	entering 0.0 0.0	final date is the da item (except for \$0 \$0	one-time avoided o	costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		required is the	nvestigation date	entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment		required is the	nvestigation date	entering 0,0 0.0 0.0 0,0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
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Compliance History

Rating: 3.43

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Site Rating: 0.00

Southwest Convenience Stores, LLC Classification: AVERAGE Customer/Respondent/Owner-Operator: CN601563778 RN105204283 7-ELEVEN 57652 Classification: HIGH Regulated Entity: ID Number(s): AIR QUALITY NON PERMITTED ACCOUNT NUMBER PETROLEUM STORAGE TANK REGISTRATION REGISTRATION REGISTRATION PETROLEUM STORAGE TANK REGISTRATION Rating Date: September 01 07 Repeat Violator: NO 5020 SEAN HAGGERTY DR, EL PASO, TX, 79924 Location: REGION 06 - EL PASO TCEQ Region: December 04, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (512) 239-6634 James Nolan Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Νo N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. Chronic excessive emissions events. C. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/05/2007 (565265)2 10/23/2007 (594137)3 11/08/2007 (600247)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. N/A Environmental audits. F. G. Type of environmental management systems (EMSs). Voluntary on-site compliance assessment dates. Н. Participation in a voluntary pollution reduction program. N/A Early compliance.

N/A Sites Outside of Texas N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
SOUTHWEST CONVENIENCE	§	
STORES, LLC	§	
RN102048592; RN100824010;	§	TEXAS COMMISSION ON
RN102396702; RN102390028;	§	
RN102395274; RN102394756;	§	
RN102398112; RN102399094;	§	
RN102393980; RN102391331;	§	
RN102204195; RN102383965;	§	
RN105204283	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1957-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest Convenience Stores, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates thirteen 7-Eleven convenience stores with retail gasoline sales at the following locations in El Paso, El Paso County, Texas (the "Stations"):
 - a. 10900 McCombs Street (7-Eleven 53346);
 - b. 4858 North Mesa Street (7-Eleven 57602);
 - c. 10418 Rushing Road (7-Eleven 57604);
 - d. 3101 North Yarbrough Drive (7-Eleven 57616);
 - e. 10300 McCombs Street (7-Eleven 57618);

- f. 9635 McCombs Street (7-Eleven 57620);
- g. 5401 South Gateway Boulevard (7-Eleven 57621);
- h. 8701 Alameda Avenue (7-Eleven 57625);
- i. 9061 Dyer Street (7-Eleven 57631);
- j. 3601 Montana Avenue (7-Eleven 57637);
- k. 8160 Gateway Boulevard East (7-Eleven 57646);
- 1. 850 North Zaragoza Road (7-Eleven 57649); and
- m. 5020 Sean Haggerty Drive (7-Eleven 57652).
- 2. The Stations consist of one or more sources as defined in Tex. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 14, 2007, November 18, 2007, November 21, 2007, and November 24, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty Thousand Two Hundred Thirty Dollars (\$20,230) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand One Hundred Eighty-Four Dollars (\$16,184) of the administrative penalty and Four Thousand Forty-Six Dollars (\$4,046) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that by October 12, 2007, the Respondent has come into compliance at Station numbers 57602, 57604, 57616, 57618, 57625, 57631, 57646, and 57652.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the

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Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Stations, the Respondent is alleged to have:

- 1. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the regular and mid-grade unleaded gasoline at pump number one of 7-Eleven 53346 was found to be 2.1% and 1.9% oxygen content by weight, respectively. A sample taken of premium grade gasoline from pump number two of 7-Eleven 53346 was found to be 1.5% oxygen content by weight.
- 2. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57602 was found to be 2.1% oxygen content by weight.
- 3. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the mid-grade and premium gasoline at pump number three of 7-Eleven 57604 were found to be 2.2% and 1.4% oxygen content by weight, respectively.
- 4. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 1, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number four of 7-Eleven 57616 were found to be 1.7%, 1.7%, and 1.5% oxygen content by weight, respectively.
- 5. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, samples taken from the regular, mid-grade, and premium gasoline at pump number two of 7-Eleven 57618 were found to be 2.2%, 2.1%, and 2.2% oxygen content by weight, respectively.

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- 6. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. Admin. Code § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number two of 7-Eleven 57620 was found to be 2.0% oxygen content by weight.
- 7. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 11, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57621 was found to be 2.2% oxygen content by weight.
- 8. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the regular unleaded gasoline at pump number three of 7-Eleven 57625 was found to be 2.1% oxygen content by weight.
- 9. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 4, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57631 was found to be 2.2% oxygen content by weight.
- 10. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 8, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number one of 7-Eleven 57637 was found to be 2.2% oxygen content by weight.
- 11. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number seven of 7-Eleven 57646 was found to be 1.2% oxygen content by weight.
- 12. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 TEX. ADMIN. CODE § 114.100(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented by an investigation conducted on October 7, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number nine of 7-Eleven 57649 was found to be 2.1% oxygen content by weight.
- 13. Failed to comply with the minimum oxygen content of 2.7% by weight of gasoline during the control period of October 1 through March 31, in violation of 30 Tex. ADMIN. CODE § 114.100(a) and Tex. Health & Safety Code § 382.085(b), as documented by an investigation conducted on October 2, 2007. Specifically, a sample taken from the premium unleaded gasoline at pump number three of 7-Eleven 57652 was found to be 1.8% oxygen content by weight.

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III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest Convenience Stores, LLC, Docket No. 2007-1957-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure that gasoline supplied, sold, or dispensed for use as motor vehicle fuel in El Paso County between October 1 and March 31 of each year shall have the minimum oxygen content of 2.7% by weight at Stations 53346, 57620, 57621, 57637, and 57649; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Southwest Convenience Stores, LLC DOCKET NO. 2007-1957-AIR-E Page 6

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section, Manager El Paso Regional Office Texas Commission on Environmental Quality 401 East Franklin Avenue, Suite 560 El Paso, Texas 79901-1206

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Southwest Convenience Stores, LLC DOCKET NO. 2007-1957-AIR-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	· /	s de e	
For the Executive Director		71 Date	2/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such tepresentation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

3-4-0PDate

Name (Printed or typed)

Authorized Representative of

Southwest Convenience Stores, LLC

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.